

A Cooperating Sponsor's Field Guide to USAID Environmental Compliance Procedures

Based on the USAID *Environmental Documentation Manual*
for PL480 Title II Food for Development Programs

Second Edition

February 2000

By

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About Catholic Relief Services

Catholic Relief Services is the official overseas relief and development agency of the U.S. Catholic community. Founded in 1943, the agency provides assistance to needy people in more than 80 countries through emergency relief and development programs. CRS collaborates with partner agencies and local communities in health, agriculture, micro-finance and education. Assistance is provided solely on the basis of need, not race, creed or nationality.



About Food Aid Management

Food Aid Management is a consortium of Cooperating Sponsor PVOs using food aid resources in international relief and development programs. Members of the FAM consortium collaborate to improve the effectiveness of food security programs through a range of joint activities, including information dissemination, strategic workshops and the implementation of technical working groups.

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Cover Photo: *Farmers of Tunsalao, Ecuador, collaborating with Catholic Relief Services in the Mesarrumi Small-Scale Irrigation Project. Background: Chimborazo Volcano. (Gaye Burpee, February 1999.)*

Authors' Note: Not all the photos in this Field Guide represent Title II programs, but illustrate instead a range of agriculture and

natural resource activities from many projects around the world.

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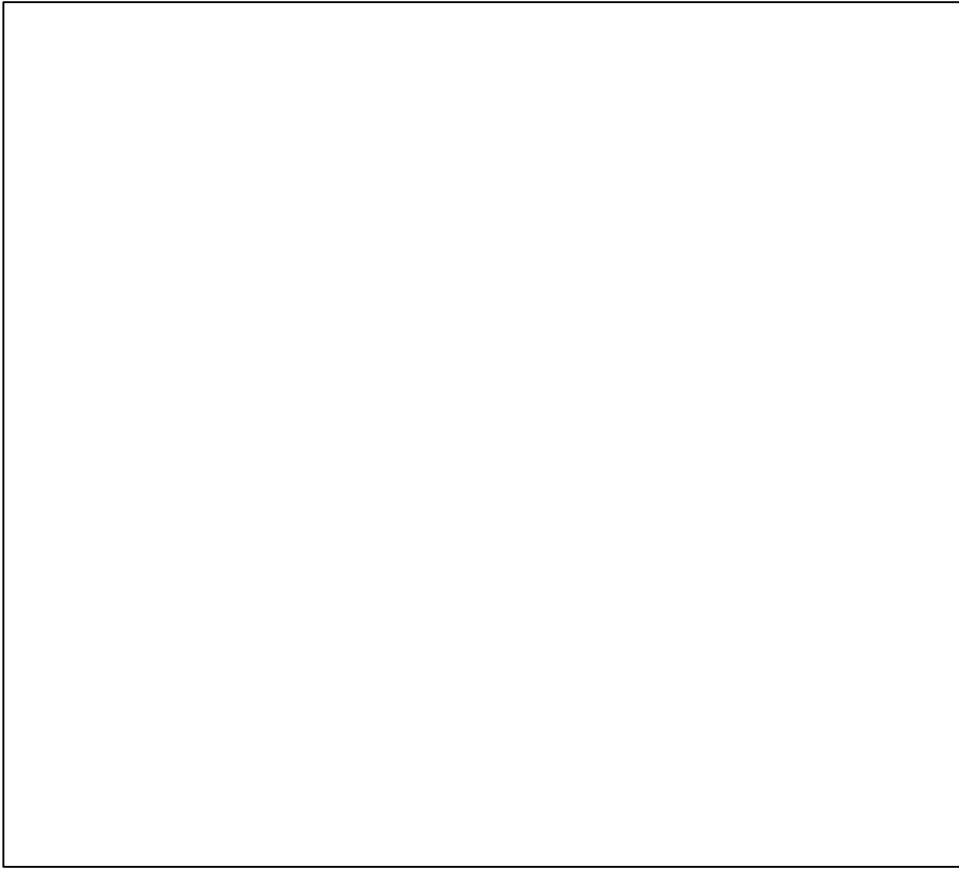
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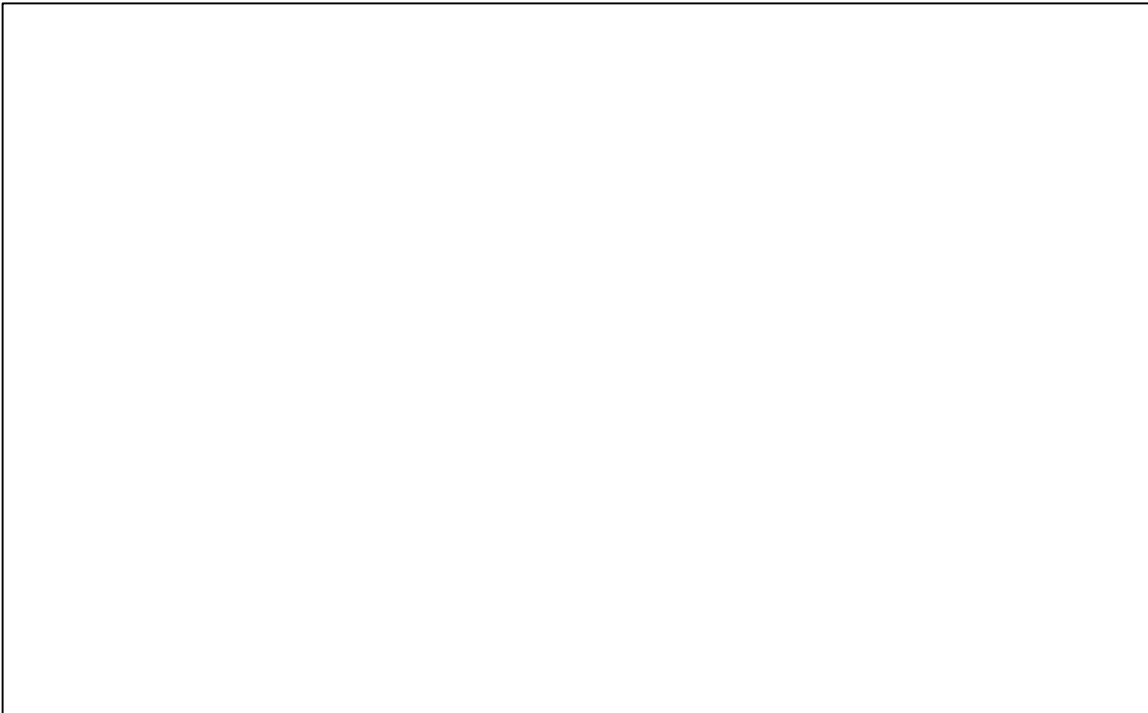
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Burpee, CRS, 5/99.

Farmer feeding fish concentrate to Tilapia and carp, Svay Teap, Cambodia.



Rice farm in Svay Teap District, Svay Rieng Province, Cambodia.

A Cooperating Sponsor's Field Guide to USAID Environmental Compliance Procedures

Second Edition: February 2000

Introduction

This *Field Guide* is a companion to the U.S. Agency for International Development's *Environmental Documentation Manual (EDM)*. The *EDM* was written to help Title II food aid development programs meet USAID environmental regulations, prepare required paperwork, and promote development of environmentally sound programs.

The *EDM* contains detailed instructions for a compliance process that may seem daunting at first glance. By using this *Field Guide* as a summary, dividing activities into manageable steps, seeking occasional advice from experts, and by relying on common sense and good judgement, we think that you will find the environmental review process easier than expected. Refer back to the *EDM* for more details, whys and wherefores.

The *Field Guide* was written by soil scientist Gaye Burpee, agronomist Tom Remington (Catholic Relief Services), and nutritionist Paige Harrigan with Food Aid Management (FAM). The *EDM* was written by environmental planner Charlotte Bingham (USAID), natural resource specialist Wes Fisher (Tellus Institute) and entomologist Walter Knausenberger (USAID) with assistance from the FAM Environmental Working Group.

We hope this *Field Guide* serves as a general introduction and quick reference to USAID environmental regulations and procedures. Our intent is to provide you with an aerial snapshot of the more detailed terrain below. We have purposely kept the *Field Guide* short and simple for portability and ease of translation. It will be made available in French and Spanish and will be updated periodically, so if you let us know what you like and don't like about the guide, we will use your suggestions to improve the next version.

History

Due to public concern over environmental issues, the United States government passed the world's first comprehensive environmental legislation, the National Environmental Policy Act in 1970. This law set environmental standards for government-funded domestic activities. Though there was pressure to regulate international activities as well, no similar laws covered U.S.-funded international activities.

During this period, USAID made chemical inputs freely available to its agricultural development programs. In 1974 a USAID agriculture project in Pakistan supplied poorly trained field workers with highly concentrated Malathion. In the heat, five workers who were not wearing safety equipment sprayed each other with the toxic pesticide and died.

One result of this tragedy was a lawsuit brought against USAID by U.S. private voluntary organizations (PVOs) that accelerated the process of establishing environmental regulations for international development programs funded by USAID. In 1975 USAID was given a choice between developing environmental procedures or closing down.

In an out-of-court settlement approved by Judge John J. Sirica, USAID agreed to develop its own environmental procedures. These were refined and later made into law under the Foreign Assistance Act, Section 117. USAID's environmental procedures, or "Regulation 216" (Title 22, Code of Federal Regulations, Part 216, also known as "22 CFR 216") were the result. Today USAID views "environmental impact assessment as not just a legal requirement, but as one of the most essential and basic tools for designing sustainable activities" (Hester, USAID, personal communication).

Until 1997 all Title II programs were exempt from following Regulation 216, but that exemption no longer applies. Now Title II cooperating sponsors are required to submit environmental compliance reports in development and transition proposals every year.

Regulation 216, the legal document

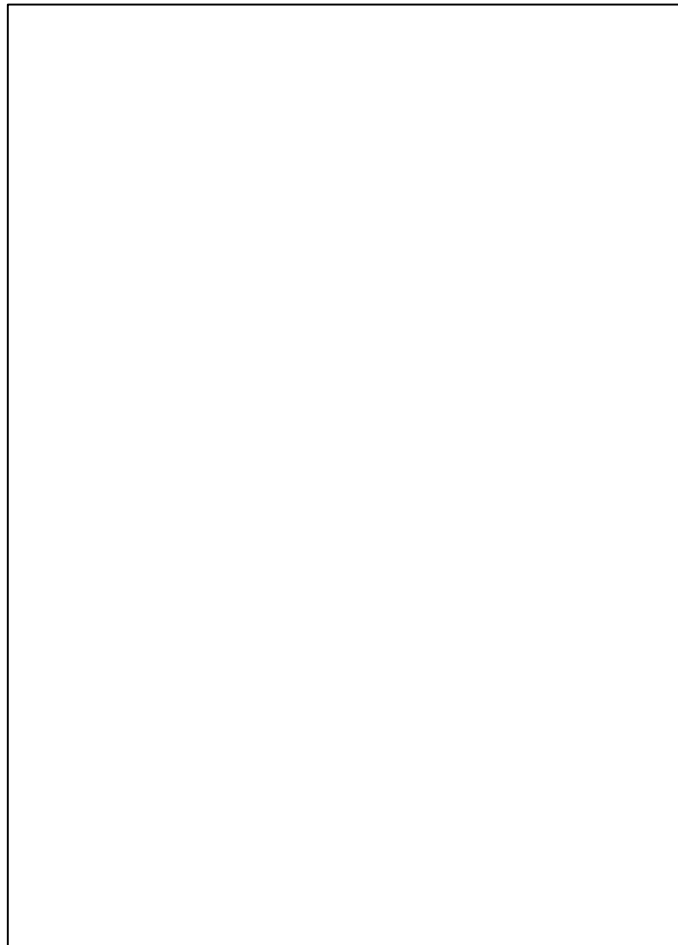
Though dry reading, Reg. 216 is well-written and only 15 pages long. It is also fairly straightforward and easy to understand, considering its origin as a legal document. A copy of the regulation is included with this field guide in Appendix III. (It is also included in the *EDM*.) We recommend reading it, since the original, un-doctored text may clarify questions that arise as you go through the process of compliance.

Reg. 216 and Title II programs

It is clear that relief and development activities can have beneficial effects, adverse effects and/or no effect on the biophysical environment. The objective of Reg. 216 is to ensure that all U.S. government funded projects under USAID undergo an environmental review to avoid or lessen any potential adverse impact on the environment. Many Title II activities, such as food distribution and training, generally have little impact on the environment. They require only brief documentation for compliance.

However, many activities, such as agriculture and construction of roads or buildings, have potentially harmful consequences. These activities require more extensive documentation outlining potential adverse impacts and measures that will be taken to avoid or lessen (mitigate) those impacts.

*Guatemalan farmer & son
near 40-cm tall (16 in.)
cabbage grown in garden
fertilized with compost.
Training in soil fertility
management provided
by local partners in
the Segapaz Project,
Totonicapan, Guatemala.*



Burpee, CRS, 2/99.

Beyond compliance

Most of Reg. 216 is directed at ensuring that no harm is done. Our goal, as relief and development PVOs, is to go beyond a “no harm” mentality. Rather than concentrating simply on compliance with Reg. 216, many of us are focusing on the larger issues of sound environmental planning, with compliance being viewed as a small part of a larger effort.

Since the process of developing environmentally sound procedures is on-going and long-term, it is not something that can be accomplished overnight. For many of us, compliance with Reg. 216 is serving as a catalyst to move ‘beyond compliance.’ There are many different meanings and definitions for beyond compliance. But in this PVO field guide, beyond compliance is defined as “the implementation of Title II proposals that have an integrated environmental design, with properly identified environmental impacts, that are adequately mitigated, monitored and evaluated.”

Cooperating Sponsors are increasing inter-agency discussions to incorporate environmental principles in the design and management of activities, projects and programs. Our view is that conservation and improvement of plant, soil and water resources at sites where we are working in development activities can only enhance sustainability and food security.

Who must comply with Reg. 216?

Beginning in 1998, every PVO or cooperative submitting a new Development Activity Proposal (DAP) or a Previously Approved Activity (PAA) proposal for Title II funds will need to submit environmental documentation for each program. In early 1999, a decision was made requiring that all new Transitional Activity Proposals (TAPs) also need to include environmental documentation. [Throughout the *EDM* and the rest of this guide, the most common type of environmental evaluations, or “reviews,” for USAID will be referred to as “Initial Environmental Examinations” (IEEs) and “Environmental Status Reports (ESRs)”.]

An IEE is submitted with a DAP or TAP. An ESR is submitted with a PAA, or a TAP that lasts more than one year. Reg. 216 documentation must be approved before Title II funds for an activity are disbursed. In situations where there has been a major change to a program or activity (and the information in the IEE, or ESR needs to be changed) an *IEE amendment* may need to be submitted.

The deadlines for final submission of environmental documentation, which will accompany DAPs, TAPs and PAAs, are the same as the regular DAP, TAP and PAA deadlines each year. Generally, we recommend that project environmental documentation be submitted to a USAID Mission Environmental Officer (MEO), a USAID Regional Environmental Officer (REO) and/or the BHR Bureau Environmental Officer (BEO) for early informal review, prior to formal submission with the DAP or TAP. Their input can be invaluable, and suggestions for improvement can then be incorporated

before formal submission through formal channels. If you choose to request early informal review, allow sufficient time for review and revisions prior to DAP or TAP deadlines.

After clearance by the local mission (either the Environmental Officer or Mission Director), environmental documentation included with DAPs, TAPs and PAAs is submitted to the BHR/FFP director in Washington, D.C., for review and clearance. IEEs and ESRs are then submitted to the BHR/BEO for final approval.



Millet field, the

Overview of Reg. 216: definitions and compliance

A first step in compliance is to inventory and describe project activities with enough detail so that you, as the Cooperating Sponsor, can determine whether an activity is "exempt" from Reg. 216, whether it is "categorically excluded," whether it requires an "initial environmental examination" or an "environmental assessment." After analysis and decision-making (second step), an IEE is the document most Title II projects will produce as a third step in the compliance process. This is generally the final step.

except for annual updates and modifications, which you will submit as Environmental Status Reports with PAAs.

A good place to start is by listing the activities in your DAP, PAA, or TAP in a chart. For example, community roads' improvement, agriculture productivity, and potable water and sanitation are common activities in TII programs, and each has its own potential to affect the environment. Please see the chart on p. 24 for suggestions on how to organize your activities when preparing environmental documentation. Each activity (or major component of an activity) in an IEE will need to be classified according to the following list.

KEY TYPES OF REG. 216 ENVIRONMENTAL DECISIONS

Exemption - An activity, or *class of action*, that is not subject to Reg. 216 due to emergency situations. **Exemptions** are rare for food aid development activities.

Categorical Exclusion (CE) - An activity, such as training or conducting a survey, that does not affect the environment. Only brief documentation is required, showing how the activity falls within Reg. 216 definitions for **categorical exclusions**.

Negative Determination (ND) - Activities with potential to affect the biophysical environment, were subject to an IEE & found to have no significant adverse effects. **Negative Determinations** are made with & without conditions. Conditions usually reflect situations requiring mitigation and/or monitoring plans to avoid adverse impacts.

Positive Determination (PD) - Activities that have significant adverse effects on the environment. **Positive Determinations** are infrequent for Title II PVO programs and normally lead to preparing an **Environmental Assessment (EA)**, which is usually a significant undertaking.

Deferral - A **deferral** consists of documentation, usually within an IEE, explaining why an activity cannot be defined according to Reg. 216 at the current time, typically because insufficient information is available. **Deferrals** are often used for large-scale activities and are not recommended. Requesting a **deferral** also means deferring implementation of the specific activity within a DAP.

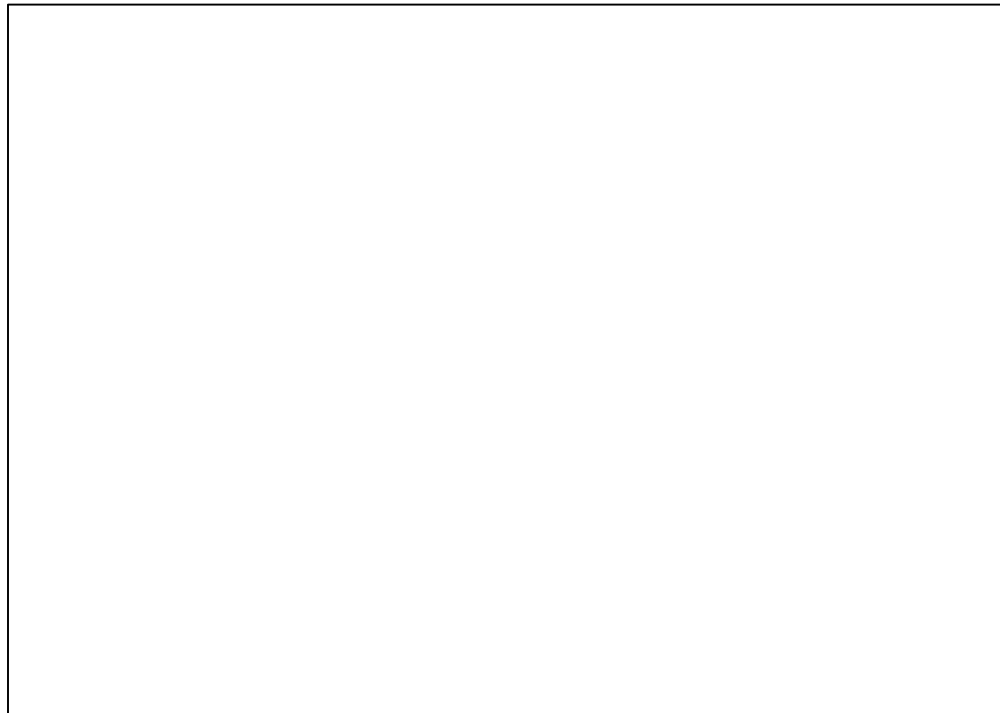
If an activity appears to have no environmental impact, it qualifies as **categorically excludable**. If an IEE shows there is no significant adverse environmental impact, the activity will receive a **negative determination (ND)**, meaning that you will not have to do a full-blown Environmental Assessment (EA). This is generally a good thing.

However, if you expect a significant adverse impact, a **positive determination (PD)** is made and an EA will be required. You will need to allocate substantial resources (perhaps \$20,000-\$150,000 and 2-18 months) for an EA. Some PVOs have used local

technical expertise in completing EA submissions, which saved money and developed the knowledge base in the region. Don't shy away from development activities just because they may require an EA. The EA is meant to stimulate sound environmental design of large-scale and/or potentially harmful activities. In practice though, there have been few Environmental Assessments performed by CSs.

To clarify, most DAPs and PAAs **will have a mix of different types of activities**. Usually there will be some CEs and some activities that will undergo an IEE, resulting in NDs or PDs after the IEE is completed. One key point is that in this process, we as cooperating sponsors are only making recommendations for environmental determinations to the MEO and BEO. The final decision is theirs.

You may very well try to avoid the more extensive EA. You can do this by building mitigation measures into activities (imposing conditions on Negative Determinations to prevent any adverse impact). The IEE is the document where you would include such information and explain why an EA is needed or not needed. However, those CSs who have engaged in EAs in the first year of Reg. 216 compliance have discovered that it is really not as intimidating or difficult a process as it might seem. In fact, it can be an extremely effective learning and training tool, somewhat like a PVO apprenticeship. See section titled "EA Process" below for further information.



Burpee, CRS, 5/99.

Village bank members, Thmet Village, Samour sub-district, Svay Teap, Cambodia.

Initial Environmental Examinations and Deferrals

There are two basic types of IEEs, "classic" and "umbrella." The **classic IEE** is most common and is used when activities are well-defined, whether the activities are single-site or multiple-site. The following paragraph provides an example.

At the beginning of a 5-year DAP, a particular Cooperating Sponsor knows that there will be clearly defined construction activities, but may not have identified every single road, latrine or irrigation ditch that will be constructed as part of this multiple-site activity. What the sponsor can do is to develop standard procedures for implementation of the activity, and the PVO can submit a single IEE in the "classic" format.

The **classic IEE** would encompass all road rehabilitation activities, outlining, for example, design procedures and mitigating activities that the PVO would carry out at all sites to ensure minimal adverse environmental effects. For example, the mitigation plan might include drawing up technical guidelines, developing activity-specific monitoring forms and training staff to ensure that water sources will not be diverted, soil will not be eroded, archeological sites will not be damaged and protected species will not be endangered.

In today's development world, where there is increased emphasis on participatory planning and project design, the Cooperating Sponsor may not have detailed information on specific activities at the time of DAP or TAP submission. It is not until funds are disbursed and collaborative planning with individual communities and local counterpart NGOs takes place that the CS knows which communities will be implementing which specific activities where. Therefore, when the type of sub-activities or the scale of activities are still to be determined at the time of DAP submission, an **umbrella IEE** can be submitted with the DAP or TAP. An **umbrella IEE** would generally be used for multiple, small-scale activities that are currently poorly defined or not clearly specified, and it follows that mitigation measures also would not be specified at that time. An **umbrella IEE** can also be used when a Cooperating Sponsor is providing subgrants to other agencies (*EDM*, Annex F). If you submit an **umbrella IEE**, you are permitted to proceed with an activity only after the mitigating conditions have been agreed to by all relevant parties, and in practice, the umbrella IEE requires post-IEE environmental reviews that are approved by the Mission Environmental Officer.

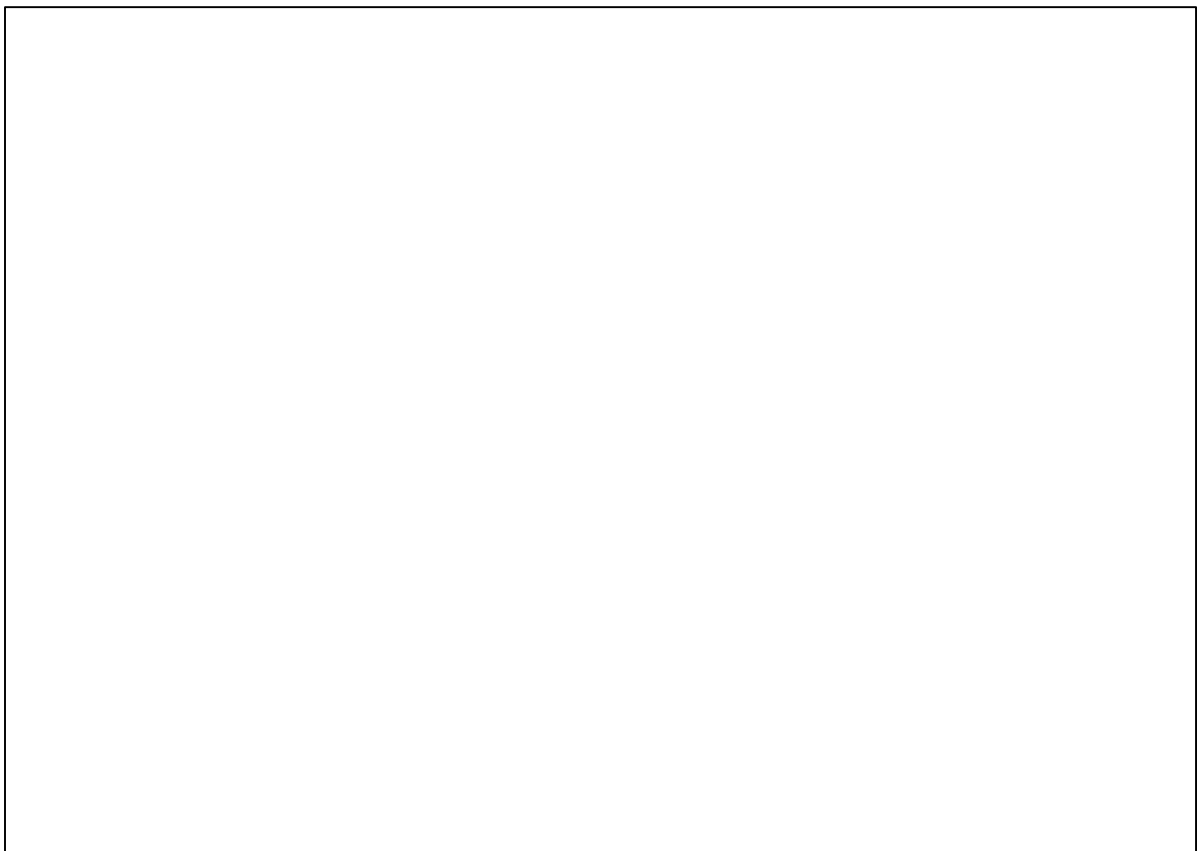
In the case of activities that are not well-defined, but usually large-scale (construction of a dam, for example), a **deferral** is available, but not recommended by USAID. In the case of a deferral, the deferred activity is delayed, and Title II funds cannot be used for the deferred activity until detailed environmental compliance documentation is provided.

Pesticide Evaluation Reports (PERs)

Many Title II funded activities have objectives directly supporting the improvement of agricultural productivity, as a means to impact food security. The use of Integrated Pest

Management and pesticides can be included in Title II programs. Any potential improvement of agricultural productivity must be balanced by a clear understanding of the potentially harmful affects of the pesticides.

If a pesticide is to be used, a separate Pesticide Evaluation Report (PER) must be included in the IEE, and revisited each year in the ESR. The purpose of the PER is to evaluate "the economic, social, and environmental risks and benefits of the planned pesticide use to determine whether the use may result in significant environmental impact."¹ There are 12 items to be included in a PER, and they are listed in Reg. 216. A basic requirement is that the pesticide be registered with the US Environmental Protection Agency (EPA). Use of pesticides in a TII activity does not automatically result in a positive determination, and therefore an Environmental Assessment, if the conditions set forth in Reg. 216 can be met, and a rigorous monitoring plan is set in place. More information on this issue is being developed for use by the TII CSs.



Burpee, CRS, 2/00.

Cultivating lime into soil prior to planting, Haulac District, Thanh Hoa Province, Vietnam..

Environmental Status Reports

¹ 22 CFR 216 216.3 (b) (1)(i)

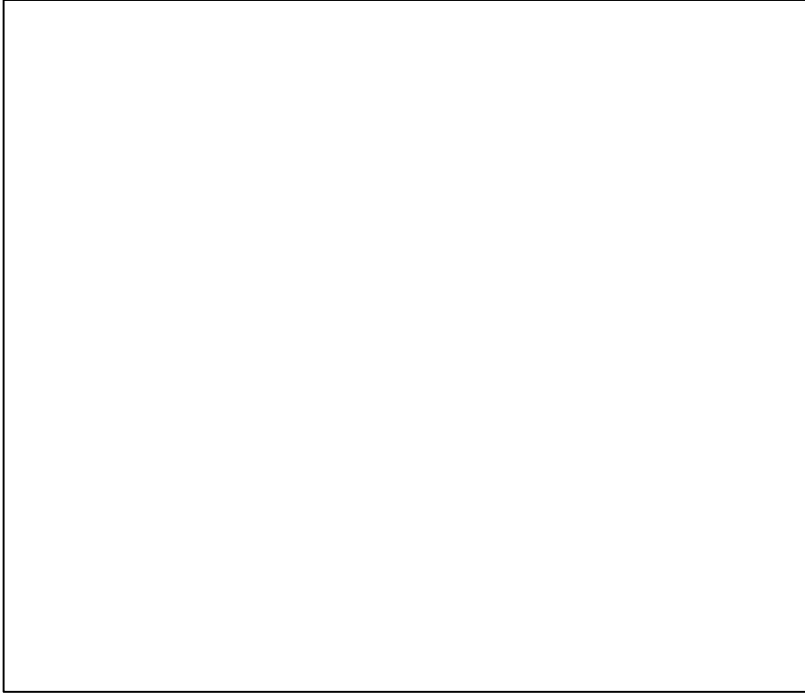
ESRs are the annual updates to DAP/TAP environmental documentation.² Therefore, all PAAs (previously approved activities) should include an ESR. The ESR is a status report, summarizing that previously submitted environmental documentation is still applicable, whether or not deferrals exist, and that monitoring and mitigation plans are in place and on schedule. The ESR is not meant to be burdensome, and it should not be longer than 10 pages.

In the event that Title II funded activities are modified in a way that would change how they are treated (or classified according to citations) under Reg. 216, then an IEE amendment should be submitted. For example, in an approved IEE focusing on water and sanitation, it stated that deep tube wells would be constructed throughout the project area, and community led trainings in hand washing behaviors/water infrastructure maintenance would occur. Well construction was classified under Negative Determination with Conditions (ensuring that proper procedures for well digging were followed), and the trainings were under Categorical Exclusion. However, if later in the project cycle it was determined that pit latrine construction would be an appropriate complement, and funding was identified, an IEE amendment would be necessary.

In the ESR (also the IEE amendment), you would outline that the pit latrine construction would follow accepted technical criteria, and would not be placed in areas of significant rainfall runoffs, at an acceptable distance from any water supply sources, with a minimum distance maintained between the latrine and ground water table, etc. This activity would also probably be classified as a Negative Determination with Conditions, the conditions being that all the criteria would be better defined, monitored and met.

To use another example, if it was determined by the CS and community that the new wells were turning out to be more expensive and problematic than anticipated (i.e. there is a hardpan, and the ground water in some places was significantly deeper than expected, requiring deeper and more expensive digging), and the community would rather focus trainings on improvement of water catchment schemes, then again, an IEE amendment would be needed. This is because the Reg. 216 classification would probably change.

² For more on ESRs, see Annexes A.5 and A.6 of the Second Edition (February, 1999) of the Environmental Documentation Manual, and refer to the DAP/PAA Guidance.



*Compost for pre-plant soil amendments, Haulac District,
Thanh Hoa Province, Vietnam.*

Many people think that if a DAP amendment is necessary, then an IEE amendment must necessarily follow. This is NOT true. IEE amendments are only necessary if there has been a significant change or modification to an environmental component of an activity, and the Regulation 216 classification would change. Otherwise, all that is needed is an ESR.

When preparing an Environmental Status Report (ESR), one of the options is to submit an IEE amendment. The example below is a copy of a blank ESR facesheet, and section A of the facesheet clearly illustrates your options.

TITLE II ENVIRONMENTAL STATUS REPORT FACESHEET	
Title of Activity:	
CS name/Country/Region:	
Funding Period: FY_____ - FY_____	
Resource Levels: Commodities (dollar equivalent, incl. monetization):_____ Total metric tonnage request: _____	
Status Report Prepared by: Name:_____ Title _____ Date: _____	
Date of Previous Status Report: _____	
A. Status of the IEE/Categorical Exclusion/EA or PEA	
IEE Reference: Date of most recent IEE or Categorical Exclusion (If all activities were CEs): _____	
_____ No revisions or modifications needed. IEE/CE or CE and all activities still applicable	
_____ Amended IEE submitted, based on attached report, summary, etc., (referencing the body).	
_____ EA or PEA needs to be amended to cover additional or modified activities. [Note: If yes, immediately notify the MEO, REO (where one exists) or the BHR BEO. Amended EA or PEA submitted, based on _____]	

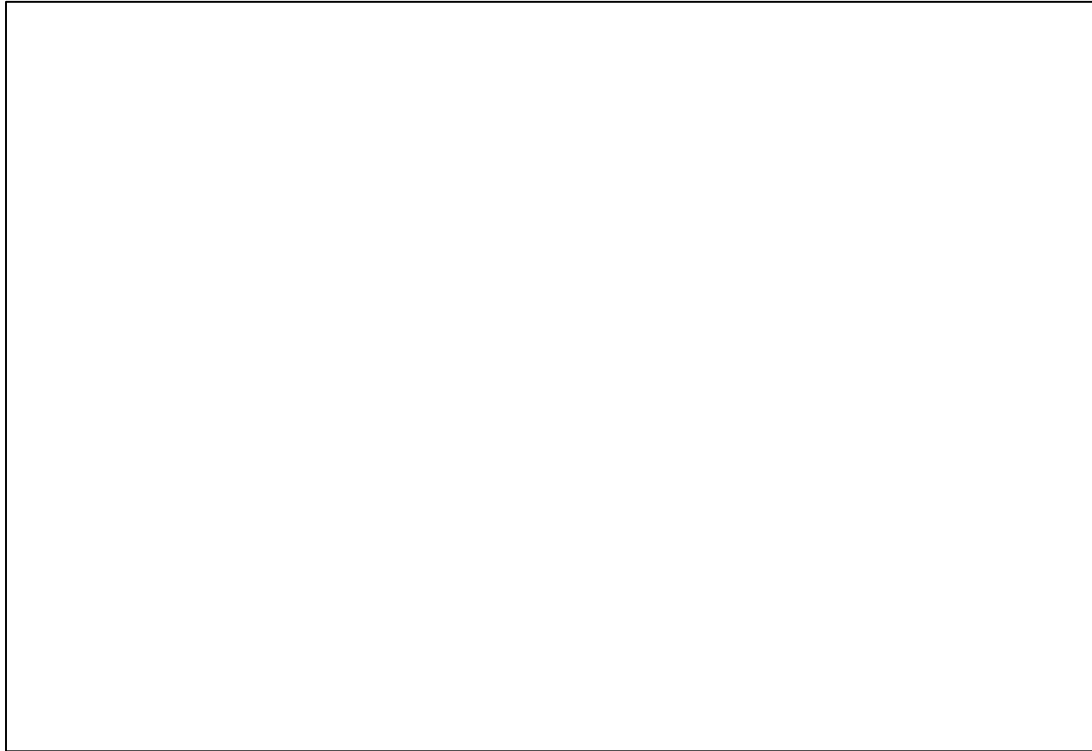
Environmental Assessments

When an IEE includes an activity with potentially significant adverse effects, either because the scale of the activity is large, or by Reg. 216 definition the activity will have potential significant adverse impact, the activity is initially classified as a Positive Determination. This generally means that an Environmental Assessment will be required.

EAs can require a substantial investment of human and financial resources, though they do not need to. When done in one country or one limited geographic area by one or two CSs, using already-funded PVO staff in collaboration with USAID staff and/or locally available experts for short duration consultancies, EA costs can be kept reasonable. CARE did just that and conducted a roads' EA in Honduras over several months' time at low cost with the assistance of local consultants.

Regulation 216 does not establish clear guidelines to distinguish between small-scale and large-scale activities or between activities with significant and non-significant impacts. These will be case-by-case decisions. It is often the size, or scale of an activity that will determine whether the activity is classified with a negative

determination, or positive determination. Consult the MEO or BEO if you need help classifying specific activities. As the PVO community builds a library of Environmental Assessment Reports and other environmental compliance documentation for different activities in different regions, clearer guidelines, definitions and parameters will emerge.



Ecuadoran farmer with handful of composted vermiculture.

To summarize, most PVO activities are relatively small in scale, can be accompanied by mitigation and/or monitoring measures to prevent adverse environmental impacts and would not trigger an EA. However, if an IEE identifies the need for an EA, completing an EA would be the final step in the environmental documentation process. (Refer to Reg. 216, Section 216.3(a)(4) and Section 216.6.)

ACTIVITIES THAT MAY REQUIRE AN EA

Road construction

River basin development

Dam construction

Drainage projects

Large-scale irrigation projects

Large-scale agricultural mechanization

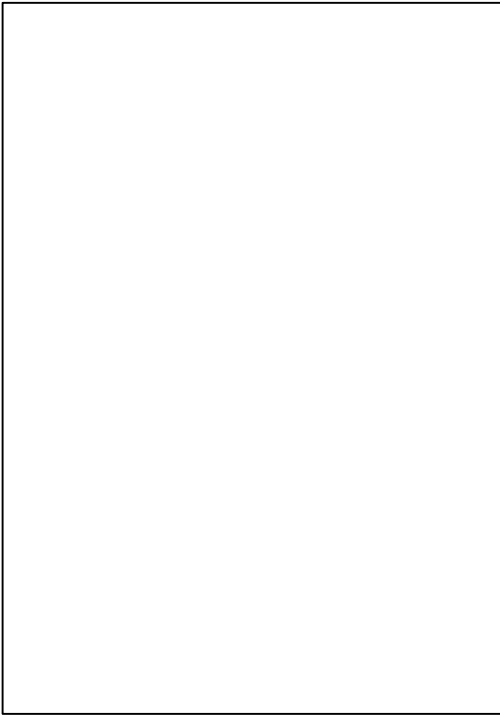
Agricultural land leveling and clearing

Introduction of "exotic" (non-native) species

Use of certain pesticides

Potable water, well construction, sewage projects that are not small-scale

Projects affecting undegraded tropical forests, biological diversity, endangered species or critical habitat



Reservoir (bottom), fields (middle) with increased yields due to improved water management using irrigation water supplied by reservoir and dam, irrigation canal (top) supplying fields, North Central Highlands, Vietnam.



Programmatic Environmental Assessments

Programmatic Environmental Assessments (PEAs) are a more extensive type of EA and generally require significant resources. PEAs are EAs that either involve an environmental investigation of an activity that is implemented by more than one CS in the same country or involve one activity implemented in more than one country and/or involve a range of sub-activities related to one main activity. PEAs are a big deal.

As an example, CRS conducted small-scale irrigation PEAs in several regions of the world in 1998 and 1999. In this case, the PVO reviewed different types of small-scale irrigation systems implemented by a number of different Cooperating Sponsors in Ethiopia, Guatemala and India.

Environmental Assessment Process

Elements of the EA process are summarized below, based on current experiences. EAs (or PEAs) have two main phases -- the Scoping Phase and the Environmental Assessment itself. EAs can last in duration between 3 months to 1.5 years.

The Scoping Phase lasts about one to two weeks and involves a team of 2 or more members, up to perhaps 8, though 3-5 seems to be ideal. The Scoping Team can include a knowledgeable USAID Environmental Officer (Mission, Regional or Bureau), though USAID involvement is not mandatory. The team can also include CS staff members, which is highly recommended, though again, not mandatory, and a team leader, who can be a CS or USAID staff member or an environmental expert/consultant.

The main goals of the Scoping Team are to conduct preliminary assessments and outline key topics of investigation for the subsequent EA (PEA), summarize initial findings, and propose EA methods and EA team makeup, roles and responsibilities for BEO approval before proceeding with the EA. The BEO has a time limit of one month to review, circulate, and approve the scoping document.

The Scoping Team:

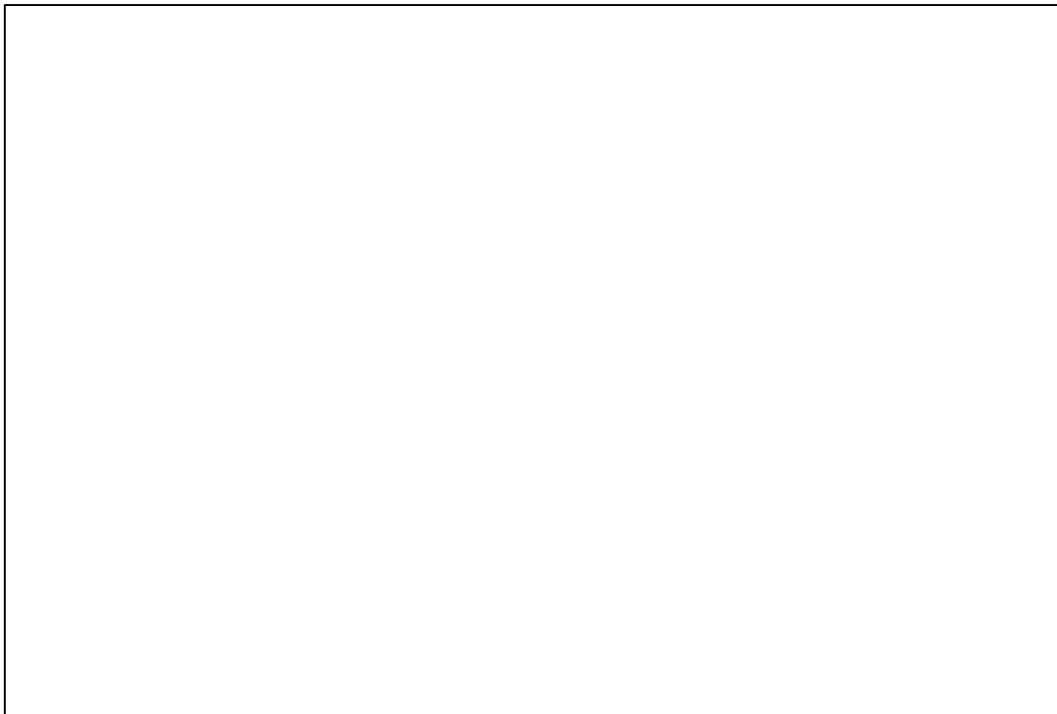
- conducts a literature review,
- engages in public consultation with relevant stakeholders and interested parties (USAID, other CSs, counterpart agencies, ministry/government officials, community groups/individuals,
- completes field site familiarization visits to view activity implementation and
- makes initial appraisals and analyses of key issues and themes related to the activity.

Generally, themes are not limited strictly to a bio-physical, environmental review, but can include gender or labor issues, economic aspects and other factors with potential

impact for resource sustainability, environmental soundness, economic viability or social justice/equity.

Once the Scoping Team has set the stage for the actual EA during the Scoping Phase, the CS organizes an EA Team made up of members with expertise in disciplines relevant to key EA issues. EA activities mimic scoping activities, but examine issues in greater detail at greater depth -- literature reviews, stakeholder interviews, multiple field evaluations and production of a final report that includes key definitions, activity characterization and classification, discussions of scope/scale, design and implementation guidelines, monitoring and mitigation measures, case studies, etc.

The guidelines in an EA report can then be used by other PVOs to design activities in an environmentally sound manner, without necessarily having to conduct an EA every time small-scale irrigation or latrine construction is proposed. If planned activities fall within certain parameters outlined in a previous EA, the PVO can often avoid repeating the EA process by following already defined procedures and guidelines, while monitoring for unintended adverse consequences. For regulatory compliance, the PVO would simply cite the original EA in an IEE or ESR and outline specific monitoring and mitigation measures.



Gully plug of sticks, conservation measure promoted as part of the Hurricane Mitch Recovery Project in sustainable agriculture, Department of Estelí, Nicaragua.

Step-by-Step Compliance

There are many ways to prepare environmental compliance documentation. The steps below offer one possibility.

Step 1

Make a detailed list of all the activities in your DAP, TAP, or PAA. Feel free to create your own table formats or to use those given here. The table below lacks a column for geographic distribution/scale which may be useful. Also, you may want to organize activities first by Intermediate Result or by sector/type (health, agriculture) and then by sub-activities within each category. For example, under "Health," you might list nutrition training, immunization and latrine construction.

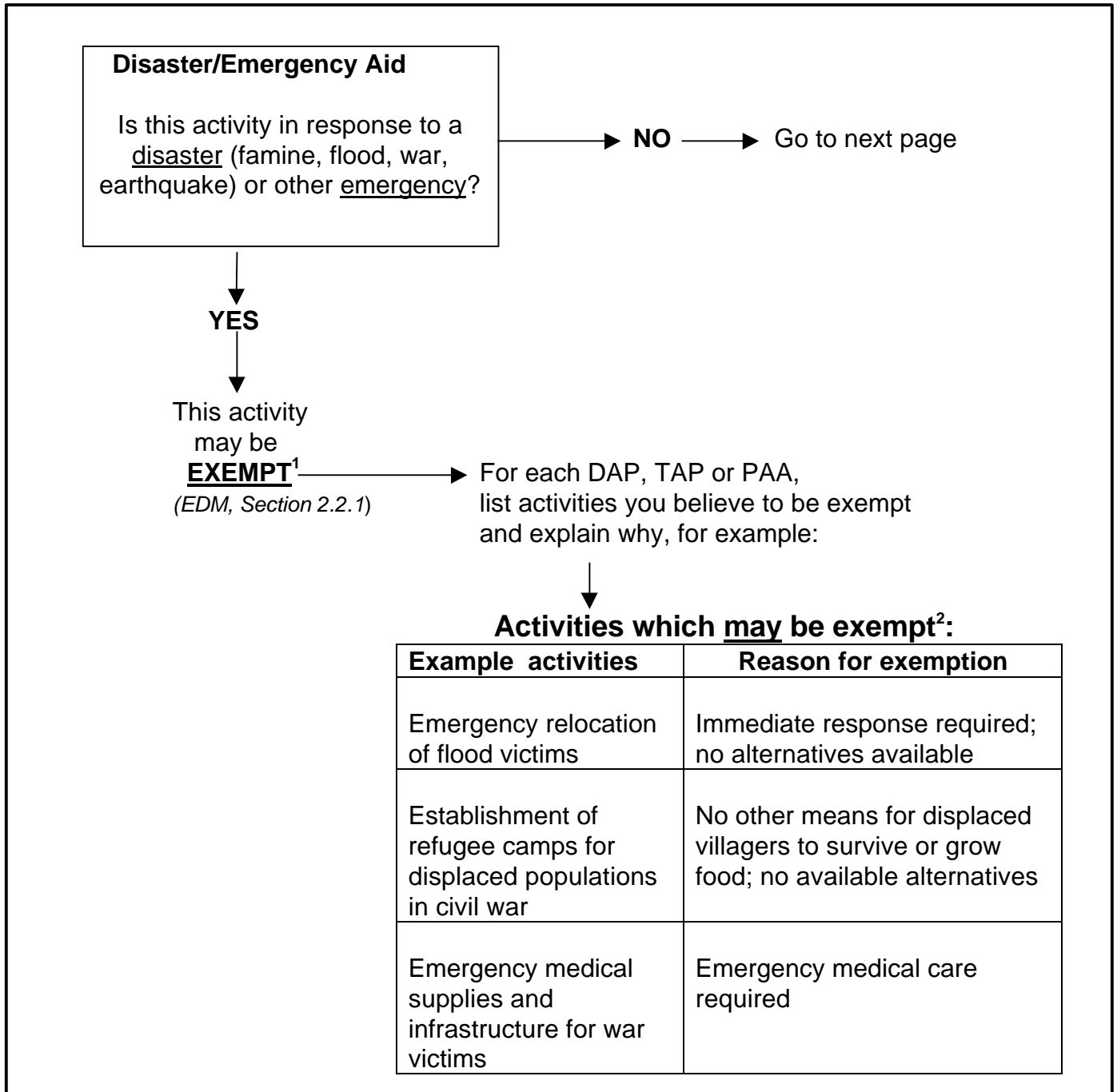
Table 1. Example of table format for preliminary listing of activities

Activity	Description	% Title II resources	Class of action
Name of activity or sub-activity	Detailed description of activity	% of Title II resources allocated to this activity	Reg. 216 category. See Steps 2 and 3 .

Step 2

For each activity or sub-activity in the DAP, TAP or PAA, determine which activities are exempt from Reg. 216 (Reg. 216.2 (b)). If an activity is not exempt, select the "class of action" that seems most appropriate for the particular activity. [*The EDM* uses the phrases *class of action* and *type of Reg. 216 environmental decision* interchangeably to refer to the different types of Reg. 216 determinations.] You can use the flowcharts that follow as a guide (Figures 1,2 and 3). Refer to *The EDM* to verify initial choices and to check on details not included here.

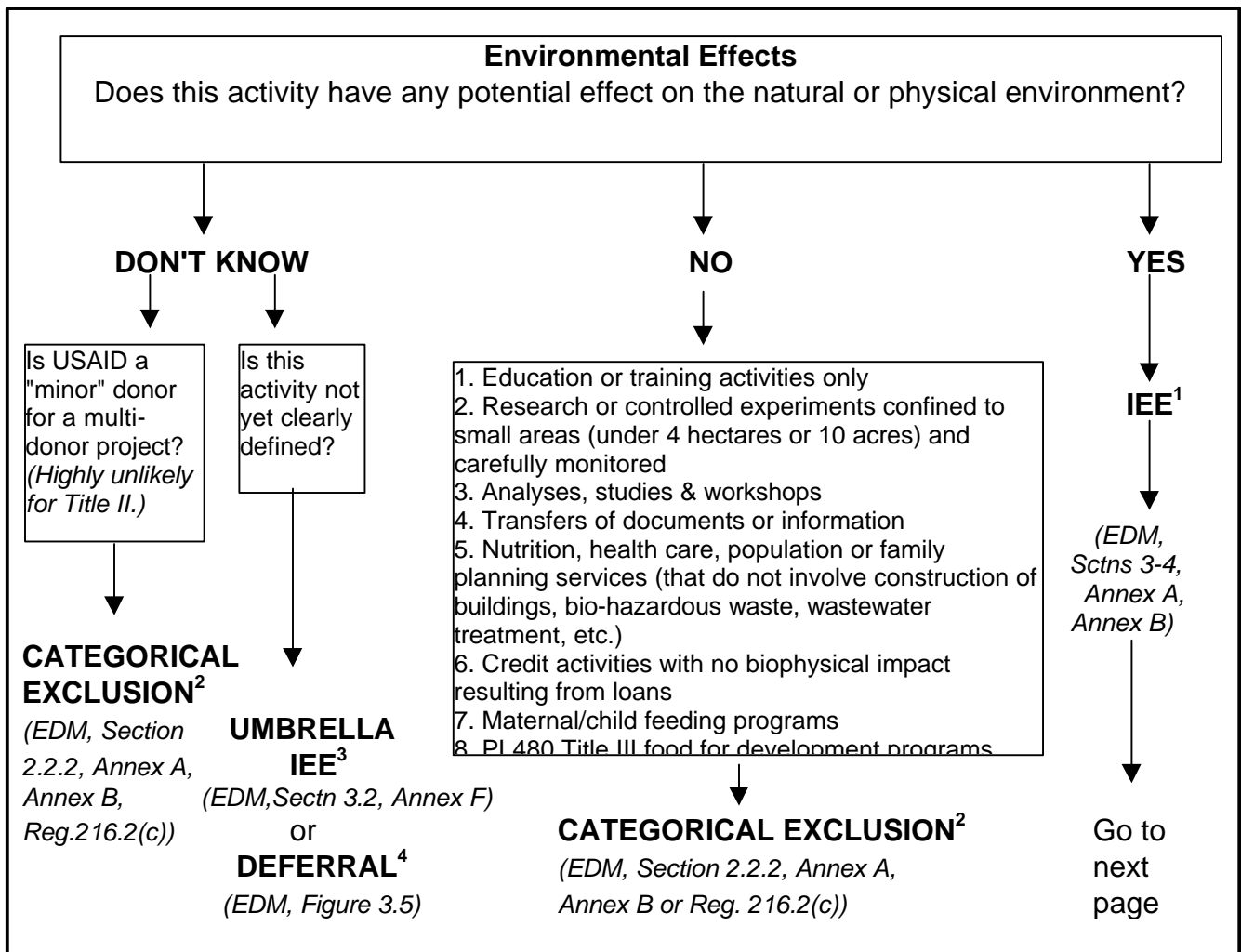
Figure 1. Potential Reg. 216 actions/categories: Part 1



1 EXEMPT: Under Reg. 216, it is unlikely that this activity will require environmental documentation. Exemptions **must be approved** by USAID. Typically a cable from the Ambassador declaring international disaster is required. Other circumstances require approvals beyond USAID and are difficult if not impossible to obtain.

2 Transitional Activity Proposals (TAPs) are considered **non-exempt** by the BHR Bureau Environmental Officer and do require an IEE.

Figure 2. Potential Reg. 216 actions/categories: Part 2

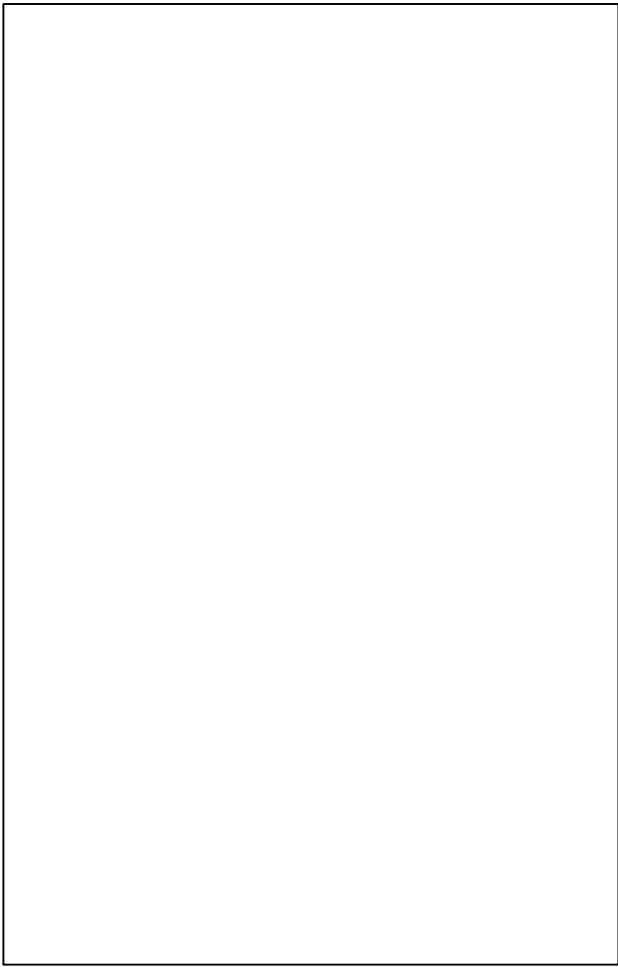


1 INITIAL ENVIRONMENTAL EXAMINATION (IEE) - When an activity has the potential to affect the environment, documentation is required in the form of an IEE to determine whether or not the activity will have significant adverse environmental impact.

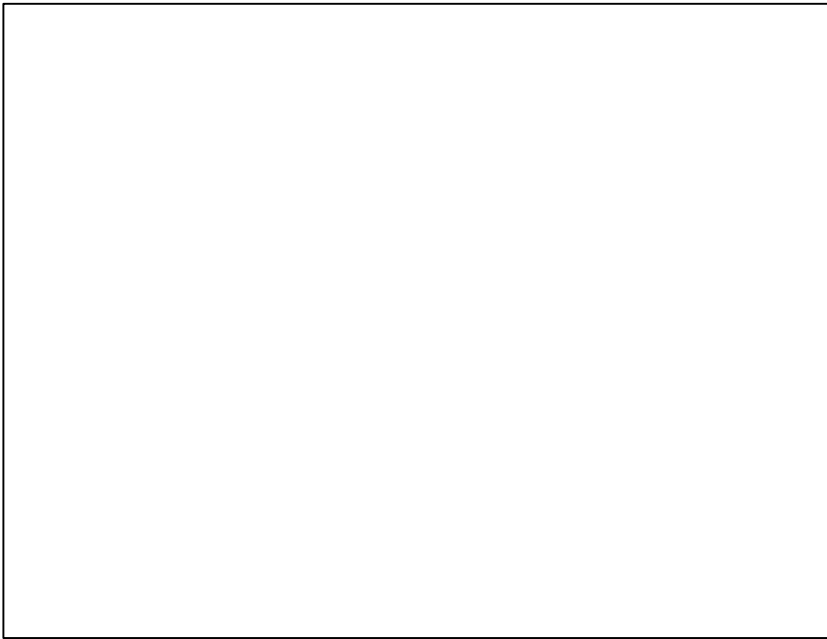
2 CATEGORICAL EXCLUSION (CE) - This type of activity generally does not affect the environment, and is therefore excluded from formal Reg. 216 review. However, a brief statement is required, explaining why the activity merits a CE.

3 UMBRELLA IEE -. Generally, umbrella activities will be used for sub-granting activities when there are multiple, small-scale, poorly defined or as-yet- undetermined activities.

4 DEFERRAL - A deferral is requested for large-scale activities when there is insufficient information to clearly describe the activities in the environmental documentation, at the time of DAP submission.

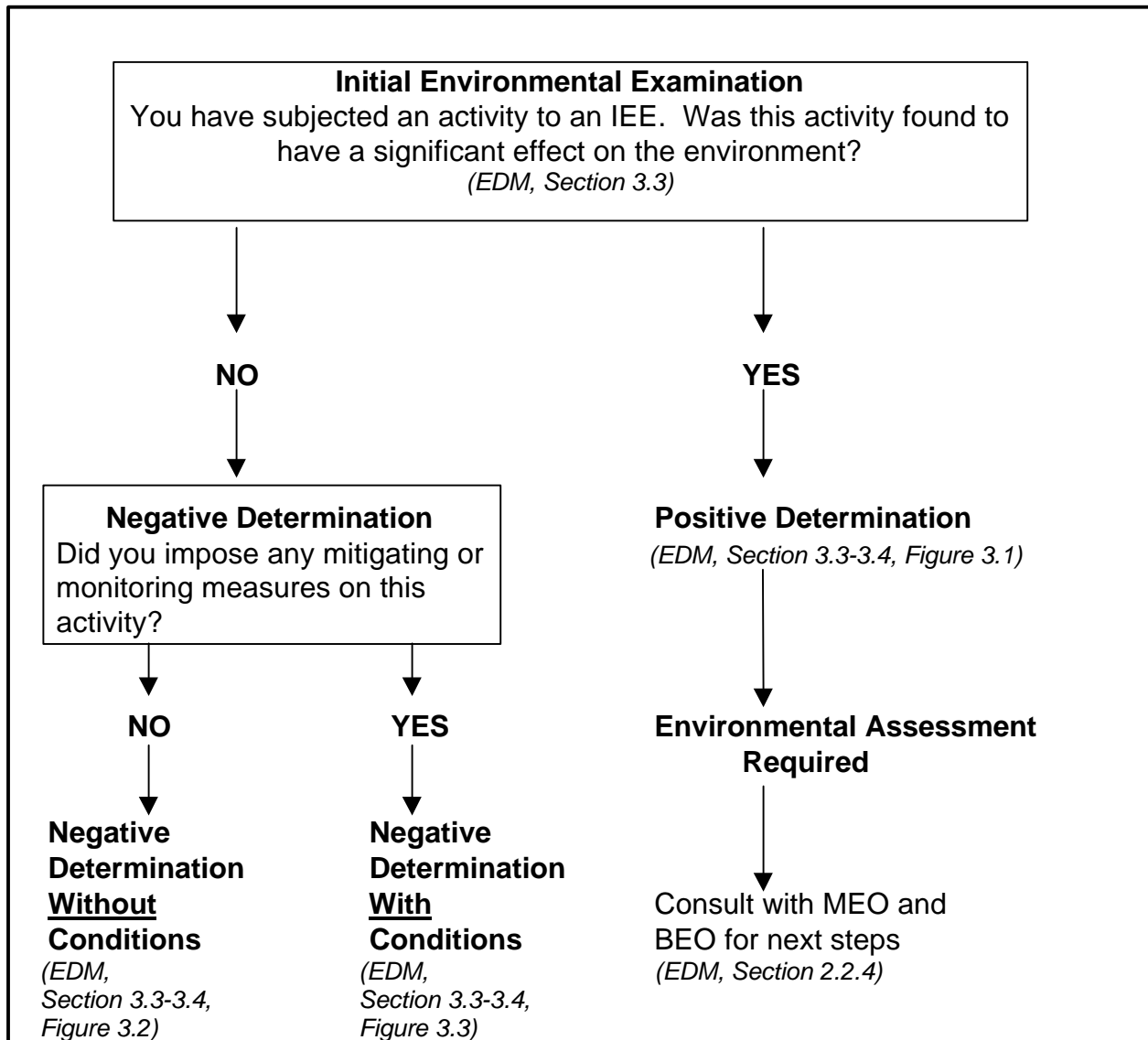


***Rice transplanting,
Solo, Indonesia.***



Burpee, CRS, 2/00.

Figure 3. Potential Reg. 216 actions/categories: Part 3



Step 3

Assign the Reg. 216 category, or "determination," that you think is most appropriate to each activity in the **Class of Action** column in the **Preliminary Activity List** you produced in Step 1 of the Step-by-Step Compliance. Table 2 shows a completed table. Again, you may find a location/scale column useful.

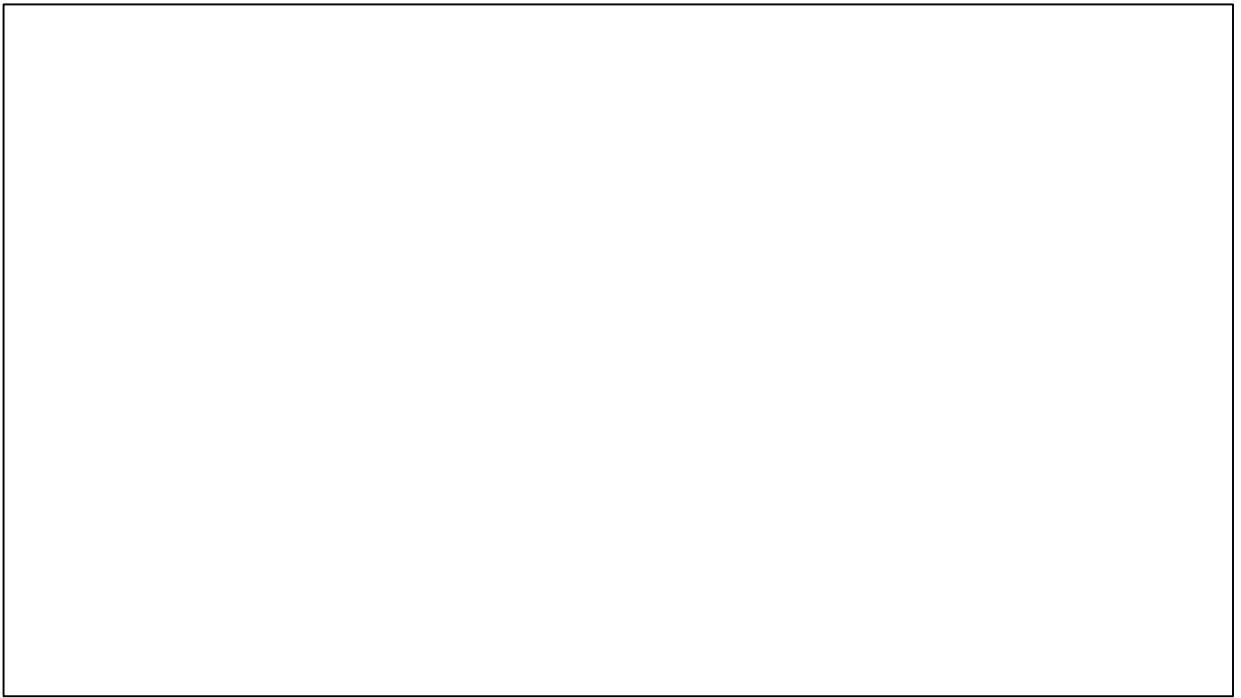
Table 2. Preliminary activity list

Activity	Description	% Title II resources	Class of action
Farmer Training	Objective: develop practical skills and promote conservation of degraded hillslopes in deforested watersheds. Training of hillside farmers in 4-day workshops, 2-3 hr. monthly meetings, 1-day field days in community organization, planting & maintenance of live barriers, passive terrace formation, erosion monitoring & soil evaluation. Target: 300 communities, 6,000 farmers, north coast of Haiti.	22%	CE
Live Barrier Plantings	Contour plantings of tree-vetiver hedges within & between small plots typical of N. Haiti. Plantings promoted for soil conservation and replacement of tree populations on degraded coastal hillslopes. Tree species will be selected from indigenous varieties to provide fuelwood, fodder, fruit, soil nitrogen. Target: 1500 farmers, 750 hectares.	15%	IEE - ND With Cond'ns
Infrastructure Support	Provide material for construction of family latrines in 300 coastal communities to prevent disease and contamination of coastal waters. Target: 15,000 families.	15%	IEE - ND With Cond'ns
Emergency Food Distribution	Distribution of staples to 800 rural communities, 24,000 families in north central region, once per month until embargo lifted. [<i>Exemptions are allowed only in situations when a disaster cable has been sent by the U.S. Ambassador.</i>]	46%	Exempt
Water Conservation	Construct on-farm, contour infiltration ditches with grassed bunds on upslope side of ditch. (Area or country norms will be followed.) Target: 700 farmers, 300 ha.	2%	IEE - ND

Step 4

Once an initial classification and inventory of activities is completed, this information can be organized by Class of Action and placed in a table for submission to USAID. The process of organizing activities into tables makes later preparation of the written documentation much easier. Table 3 provides an example. [Note: You will not find details in Reg. 216 or the *EDM* on the types of activities that will qualify for NDs. See Annex B, *EDM* for case study examples.]

Burpee, CRS. 2/00.



February plowing, north central Vietnam.

Ecuadoran farmer Rosa Acantacuri in her greenhouse constructed of wood posts and plastic, where she grows organic tomatoes for lucrative off-season markets.

Burpee, CRS. 2/99.

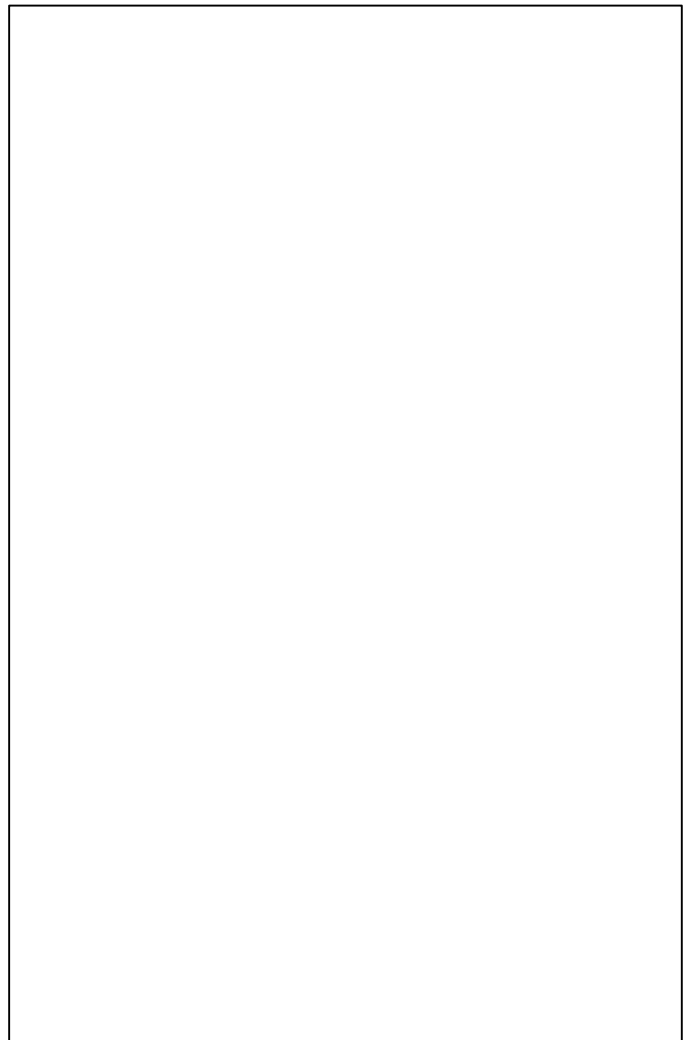
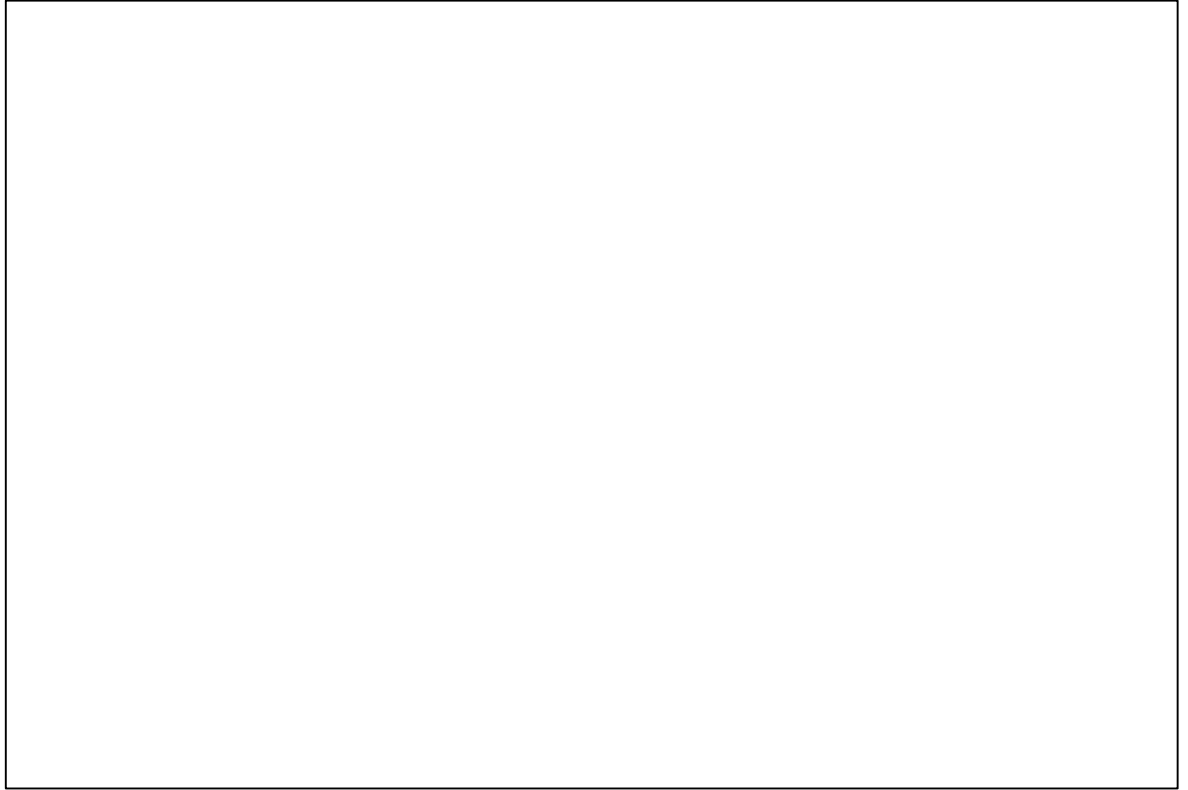


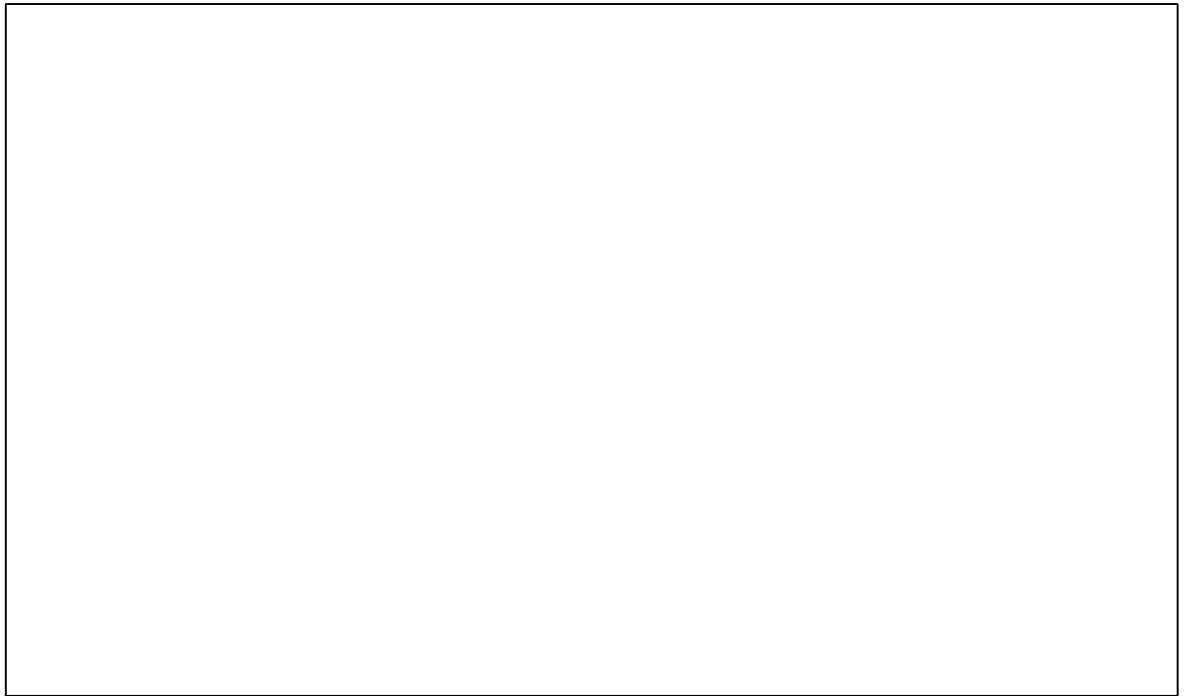
Table 3. Summary of Environmental Decisions

Expected Determination	Activity	Location/ Distribution	Projects & Sites	Scale & Quantity	% Title II	Reg. 216 Citation
Exempt	Emergency food distribution	North central Haiti	1 food distribution per month per family in 800 rural communities.	Ration/mo: 20 kg rice, 20kg beans. 24,000 families.	41%	216.2(b)(1)(i)
Categorical Exclusion	Farmer training in soil conservation	North coast, Haiti	Training of hillside farmers in 4-day workshops, 2-3 hour monthly meetings.	300 communities, 6,000 farmers.	19%	216.2(c)(2)(i)
Negative Determination	Water Conservation	North coast, Haiti	Construction of on-farm infiltration ditches with grassed bunds on upslope side of ditch.	400 ha, 700 farmers.	10%	216.3(a)(2)(iii)
Negative Determination with Conditions	Live barrier Plantings	N. Haiti, degraded coastal hillslopes	Contour tree-vetiver hedges w/in & between small plots. (Conditions: local, multi-use tree species planted on degraded slopes w/ no alternative land use possibilities.)	750 ha, 1500 farmers.	15%	216.3(a)(2)(iii)
Negative Determination with Conditions	Infrastructure Support	Coastal communities	Construction of latrines in coastal community to prevent contamination of coastal waters. (Conditions: Follow procedures outlined in Haiti MOH guidelines for Water & Sanitation/Infrastructure. M&E plan to ensure compliance.)	300 communities, 15,000 families.	15%	216.3(a)(2)(iii)

Burpee, CRS, 2/99.



Two varieties of potatoes in bloom on uneroded slope, highlands near Cuzco, Peru.



Effects of erosion on bare, unprotected, fragile soils near road, violet potato blooms in the distance, altiplano of Chuquisaca, southern Bolivia.

Step 5

If you have classified **all** activities as **Categorical Exclusions**, use the facesheet in Annex A.1 of the *EDM*, and provide justification for requesting an overall Categorical Exclusion, using the form in Annex A.2. Submit these documents with the DAP, TAP or PAA.

If your program contains activities which include both Categorical Exclusions and other determinations, use the facesheet in Annex A.1 of the *EDM* and complete the environmental analysis using the guidance in Section 4 of the *EDM*.

Then use this analysis for the IEE, complete an IEE facesheet and submit with the DAP, TAP or PAA. Suggested formats for IEEs are presented in Annexes A.3 and A.4, *EDM*. Useful examples of completed IEEs can also be found in Annex B, *EDM*.

Mitigation and monitoring plans

Many Title II development activities could have potential adverse effects upon the environment, especially if **mitigation measures** are not incorporated into program design. Mitigation measures are those that ease or lessen an adverse impact. Within the context of an IEE and sound environmental programming, there are many types of mitigation (Section 4, *EDM*.)

Mitigation **can** be used to anticipate and avoid environmental harm. It can also minimize, rectify, reduce or eliminate adverse impacts, or compensate for unavoidable impacts. In almost all cases, it is better to avoid adverse environmental impacts from the start, rather than to correct for adverse impacts after the fact.

In an IEE, if you expect to categorize an activity as a Negative Determination with Conditions, you need to incorporate an appropriate mitigation strategy outlining those conditions in the program design. That strategy should be outlined in the text of the IEE. A table illustrating a mitigation strategy by activity phase is useful documentation to submit with your IEE. Table 4 below provides a possible format. (See also Table 4.1 in the *EDM*.)

Table 4. Impact/Mitigation Summary Table

Phase in Life of Activity	Specific Mitigation Plan
Planning and Design	
Construction	
Operation/Implementation	
Phase Out/Termination*	

*During the termination phase of an activity, it is especially important to account for unintended impacts that were not foreseen during design and implementation. For example, increased deforestation may result from road construction through previously inaccessible forest, or lack of future road maintenance could result in damaging runoff or water flow patterns.

In each year of an activity, the mitigation strategy for the current year needs to be updated in your annual PAA submission.

Whether or not you have incorporated mitigation measures into your program design, if there is any potential for adverse impact, an environmental **monitoring** plan should be completed and summarized in the IEE. The monitoring plan will be specific to your activity. The need for environmental monitoring is generally based on the severity of the expected environmental impacts.

Environmental monitoring plans differ depending on the types of environmental factors that need to be monitored. The monitoring plan should state clearly ***how*** adverse effects or impacts on the environment will be tracked. For efficiency, you may want to ensure that the monitoring data you are collecting for the ESR and the PAA Results Reporting requirement coincides or overlaps with the monitoring plan you develop for the IEE.

Monitoring environmental impacts may be new to some Title II programs. We recommend that you get expert help when designing mitigation and monitoring plans. This PVO Guide is not detailed enough to be consulted when designing specific monitoring plans, and other sources should be used. A large body of literature and experience exists. See the Resource List provided in Annex I of the *EDM*. You may find that other PVOs are often suppliers of the most relevant and applicable monitoring tools.

Reg. 216 Revisited

Below is a summary of the ten topics covered in the Reg. 216. Remember that the regulation is relatively straightforward and easy to understand. We encourage you to become familiar with the regulation itself, as this section is only a summary.

216.1 Introduction

The purpose of Reg. 216 is to:

- Ensure that environmental consequences are considered, identified and that safeguards are in place
- Strengthen capacity to carry out environmental review
- Identify environmental problems that constrain development and carry out activities that restore the natural resource base.

This implies that an environmental review looks at both beneficial and adverse environmental impacts of a program, project or activity. Questions that should be addressed in an environmental review include:

1. What are the critical environmental problems facing the country? This could include a discussion of the following:
 - deforestation & land clearing
 - land degradation - reduction in soil fertility
 - accelerated soil erosion
 - genetic erosion
 - insecure land tenure
 - land fragmentation
 - overgrazing
 - demand for fuelwood
2. What are the causes of these environmental problems?
 - population pressure
 - poverty
 - government policies
 - changes in farming practices
3. What activities is the Cooperating Sponsor proposing to carry out?
4. What is the intended impact of these activities on the identified problems or causes listed above?
5. What are the unintended, but perhaps unavoidable, environmental impacts of these activities?

6. What related mitigation measures will you, the CS, put in place?

Thus, an environmental review should identify and discuss major environmental problems and their perceived causes; how the Cooperating Sponsor's activities will affect these problems and causes; and, in turn, what the environmental problems associated with these activities are.

216.2 Applicability of Procedures

This section covers Exemptions, Categorical Exclusions and Classes of Actions Normally Having a Significant Impact on the Environment (CANSIEs).

There are three categories of exemptions, fifteen categorical exclusions and eleven CANSIEs. Exemptions are rare, and in practice only the exemption for international disaster assistance is ever applied. If an activity is funded with international disaster assistance monies, it is always preceded by a disaster cable sent by the U.S. Ambassador to Washington, D.C.

Categorical Exclusions are relatively straightforward. CANSIEs, on the other hand, are not straightforward -- they are the focus of the environmental review process. The key word is "normally," because these classes of actions may have a significant effect on the environment (Positive Determination) or they may not - it depends on the conditions (Negative Determination with Conditions).

216.3 Procedures

This section covers the review process in detail. It covers "Threshold" decisions and "Deferrals." Please note, the only citation for Negative Determination with Conditions, is 216.3 (a) (2) (iii).

In this section, under citation 216 3 (b) 1(l) you will also find a list of 12 items (a-l) that are necessary to include in a Pesticide Evaluation Report (PER). The PER has recently been expanded to a PER-SUAP (Pesticide Evaluation Report and Safe Use Action Plan), which stresses safe use.

216.4 Private Applicants

It is clearly stated that "PVOs" are subject to Reg. 216.

216.5 Endangered Species

This one-paragraph section requires that IEEs determine whether the project activities will have an effect on an endangered or threatened species, or critical habitat.

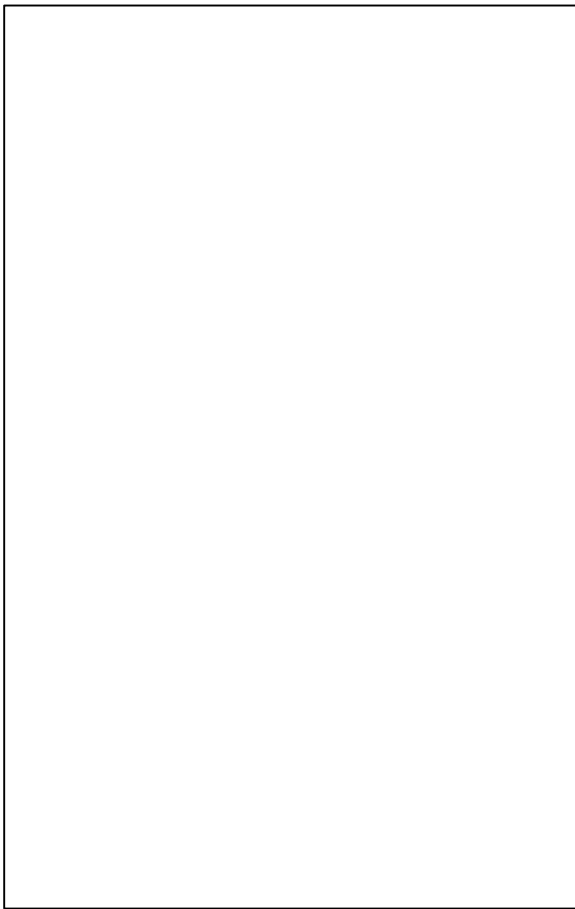
216.6 Environmental Assessments

For Title II Cooperating Sponsors, an Environmental Assessment (EA) follows a positive determination. It is a “detailed study of the reasonably foreseeable significant effects, both beneficial and adverse, of a proposed action on the environment of a foreign country or countries.” It is likely that an EA is beyond the capacity of any one Cooperating Sponsor Country Program. [For this reason, USAID has recommended a “Programmatic Environmental Assessment (PEA) in Ethiopia for irrigation activities (including dams, ponds, irrigation, etc.) to cover all the Ethiopia Cooperating Sponsors’ irrigation-related activities. This *Field Guide* does not cover PEAs.]

Burpee, CRS, 2/00.

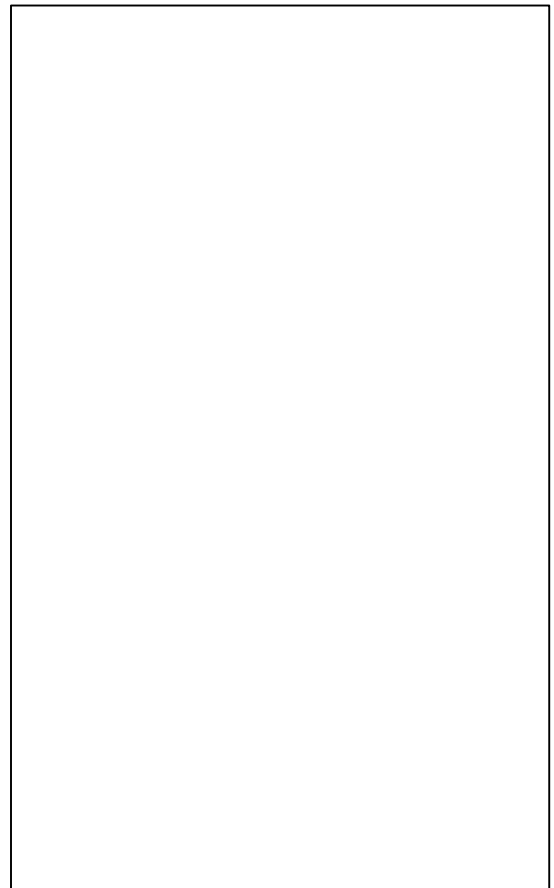
Vietnamese farmer transporting forage to penned livestock; stalks will be used for cooking fuel. Livestock manure is composted and returned to the soil.

Burpee, CRS, 11/99



Guatemalan farmer near her mature corn plots.

Burpee, CRS, 9/99



Gambian farmer leaving Sesame Growers' Association meeting.

216.7 Environmental Impact Statements

Cooperating Sponsors will not be carrying out EISs.

216.8 Public Hearings

This section refers to the EISs. It is unclear whether “public” is both the U.S. public and/or that of the country in which the activity is proposed, as both types of hearings are required.

216.9 Bilateral and Multilateral Studies

In extremely rare or high profile cases, another type of report may be submitted to USAID instead of an EA. See Reg. 216 for more information. [As of publication date, the authors are unaware of any instance where a substitute report has been submitted by a CS in lieu of an EA, and approved by the AID Administrator (the Director of USAID)].

216.10 Records and Reports

The USAID environmental review process is open and transparent. Any interested persons can obtain information from USAID on environmental reviews. For example, in preparing an environmental review of a land drainage activity, the Cooperating Sponsor is encouraged to obtain information on past IEEs and EAs of other USAID-funded programs with land drainage activities.



Hillside agriculture shows slumping beginning on cleared, bare slopes (upper center). Photo taken in Estelí, Nicaragua on the one-year anniversary of Hurricane Mitch.

Final Comments

In closing, we hope that after reading this *Field Guide* you will be able to build upon your own skills to do an IEE. Understanding Reg. 216 itself will help you to make more informed decisions.

It is important to note that IEEs are generally divided into only five main sections:

1. background and description of activities
2. baseline country and environmental information
3. environmental aspects of project activities
4. mitigation, monitoring and evaluation procedures
5. summary

However, do not underestimate the time, effort and money that may be required to do a comprehensive IEE. To meet increasing PVO and USAID requirements, it is important to realize that integrating environmental compliance with program activities will require additional resources. Seek a balance between program effectiveness, environmental soundness, and related costs. This will take practice and experience.

We trust that as you write these sections, you can use the IEE preparation process as an aid to designing environmentally sound programs, rather than simply fulfilling one more paperwork requirement. We also hope you find this *Guide* a helpful introduction

and summary of Reg. 216. More training modules covering specific themes are being developed. Feel free to contact us with questions or to suggest improvements.

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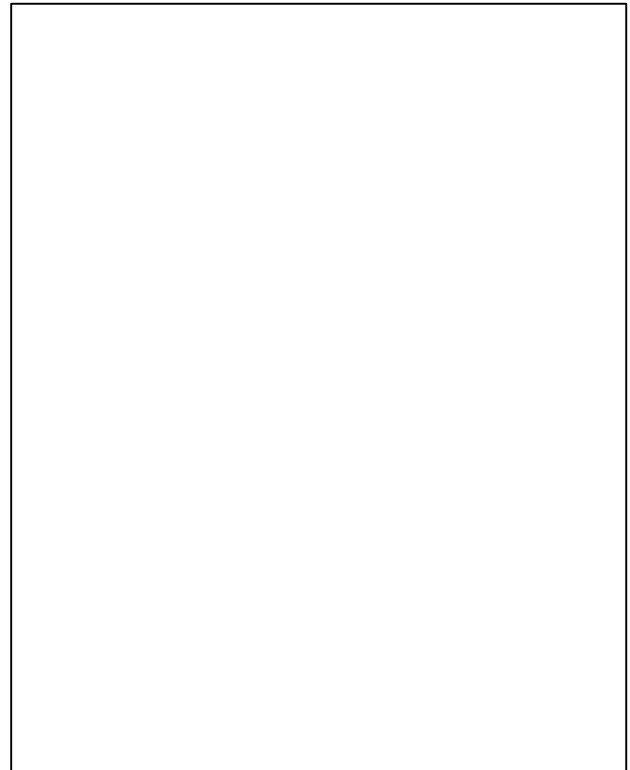
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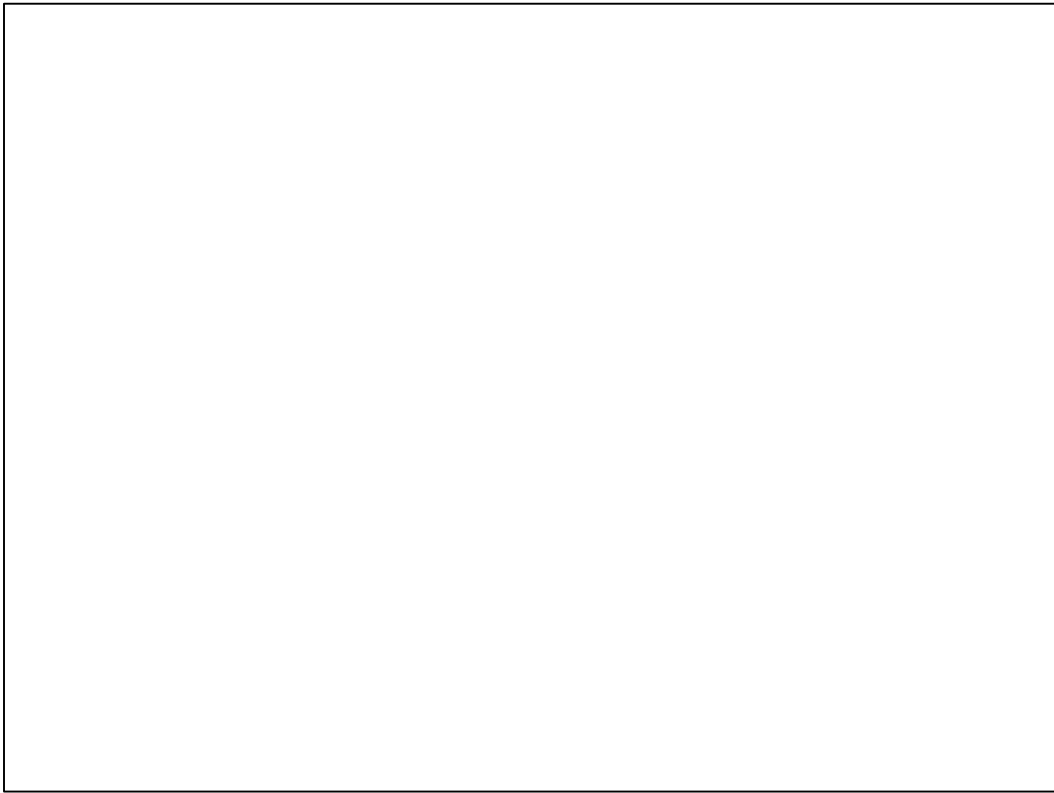
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Burpee, CRS, 2/00.



Vietnamese farmboy.



Animal-powered pump for surface irrigation using groundwater. Svay Rieng, Cambodia.

Appendix I: Blank facesheets and forms*

***Note:** These forms have been taken from Annex A, USAID
Environmental Documentation Manual February 1999

Annex A.1 Title II Environmental Compliance Facesheet

Annex A.2 Request for a Categorical Exclusion

Annex A.3 Outline of the IEE Narrative: Template

Annex A.4 Annotated IEE Narrative

Annex A.5 Environmental Status Report Facesheet

Annex A.6 Environmental Status Report Instructions and Format

Annex A.1

TITLE II ENVIRONMENTAL COMPLIANCE FACESHEET

Title of DAP/PAA Activity:

CS name/Country/Region:

Funding Period: FY _____ - FY _____

Resource Levels: Commodities (dollar equivalent, incl. monetization): _____
Total metric tonnage request: _____
202(e) grant: \$ _____

Statement Prepared by: Name _____ Date _____
Title _____

IEE Amendment (Y/N)? ____ **Date of Original IEE:** _____

Environmental Media and/or Human Health Potentially Impacted (check all that apply):
air ____ *water* ____ *land* ____ *biodiversity* (specify) _____ *human health* ____ *other* ____ *none* ____

Environmental Action(s) Recommended (check all that apply):

____ 1. *Categorical Exclusion(s)*

____ 2. Initial Environmental Examination:

____ *Negative Determination:* no significant adverse effects expected regarding the proposed activities, which are well defined over life of DAP/PAA. IEE prepared:
____ without conditions (no special mitigation measures needed; normal good
____ with conditions (special mitigation measures specified to prevent unintended impact)

____ *Negative Determination:* no significant adverse effects expected, but multiple sites and sub-activities are involved that are not yet fully defined or designed. "Umbrella IEE" prepared [go to EDM Annex B and Annex F for examples]
____ conditions agreed to regarding an appropriate process of environmental

____ *Positive Determination:* IEE confirms potential for significant adverse effect of
____ EA to be / being / has been (circle one) conducted. Note that the activities affected cannot go forward until the EA is approved.

____ *Deferral:* one or more elements not yet sufficiently defined to perform environmental analysis; activities will not be implemented until amended IEE is approved. Briefly describe the nature of the deferred activities: _____

Summary of Findings:

Briefly describe (in 1 or 2 paragraphs) the activities being implemented or proposed and those deferred. Justify the reason for the recommended action(s) and cite appropriate sections of Reg. 216 as needed. For IEEs, reproduce here the Summary from Section 5 of the IEE narrative, and/or Section 2 of the Request for Categorical Exclusion.

USAID APPROVAL OF ENVIRONMENTAL ACTION(S) RECOMMENDED:

Clearance:

Mission Director: _____ Date: _____

Food For Peace Director: _____ Date: _____

Concurrence:

Bureau Environmental Officer: _____ Date: _____

(BHR)

Approved: _____

Disapproved: _____

Optional Clearances:

FFP Officer: _____ Date: _____

Mission Food Aid Manager: _____ Date: _____

Mission Environmental Officer: _____ Date: _____

Regional Environmental Officer: _____ Date: _____

Geographic Bureau Environmental Officer: _____ Date: _____

General Counsel: _____ Date: _____

Annex A.2

REQUEST FOR A CATEGORICAL EXCLUSION

1. Background and Activity Description

Provide more in-depth information here than what was provided on the cover sheet, especially if activities are relatively diverse, complex, and likely to operate for several years. This will allow the environmental recommendation to be more self-explanatory and free-standing, especially for the BEO's record keeping and tracking purposes.

2. Justification for Categorical Exclusion Request

Refer to appropriate guidance from Reg. 216, especially 22 CFR 216.2(c)

Annex A.3

Outline of the IEE Narrative: Template

INITIAL ENVIRONMENTAL EXAMINATION

Program/Project Data:

DAP/PAA Program/Activity:

CS Name, Country/Region:

- 1. BACKGROUND AND ACTIVITY DESCRIPTION**
 - 1.1 Background**
 - 1.2 Description of Activities**
 - 1.3 Purpose and Scope of IEE**

- 2. COUNTRY AND ENVIRONMENTAL INFORMATION (BASELINE INFORMATION)**
 - 2.1 Locations Affected**
 - 2.2 National Environmental Policies and Procedures (of host country both for environmental assessment and pertaining to the sector)**

- 3. EVALUATION OF ACTIVITY/PROGRAM ISSUES WITH RESPECT TO ENVIRONMENTAL IMPACT POTENTIAL**

- 4. RECOMMENDED MITIGATION ACTIONS (INCLUDING MONITORING AND EVALUATION)**
 - 4.1 Recommended IEE Determination**
 - 4.2 Mitigation, Monitoring, and Evaluation**

FOR UMBRELLA IEE, THE FOLLOWING MIGHT BE USED:

 - 4.1 Recommended Planning Approach**
 - 4.2 Environmental Screening and Review Process**
 - 4.3 Promotion of Environmental Review and Capacity Building Procedures**
 - 4.4 Environmental Responsibilities**
 - 4.5 Mitigation, Monitoring, and Evaluation**

- 5. SUMMARY OF FINDINGS**
 - 5.1 Environmental Determinations**
 - 5.2 Conditions**

Annex A.4

Annotated IEE Narrative

INITIAL ENVIRONMENTAL EXAMINATION

Program/Project Data:

DAP/PAA Program/Activity:

CS Name, Country/Region:

The following narrative should be organized around the major activity sub-headings, if the activity categories are rather distinct, e.g., road construction, agricultural development, and irrigation works. As in sample IEEs (EDM Annex B.4 & B.5), treat each major activity under each section. Alternatively, one could organize by activity and then each major heading would cover the Sections 1 to 4. The summary in Section 5 is to cover all categories addressed, with an overview of the summaries at the end.

If you are preparing an “Umbrella” IEE, please refer to Annex F for the detailed description of what the outline might include.

1.0 BACKGROUND AND ACTIVITY DESCRIPTION

Describe why the activity is desired and appropriate, and outline the key activities proposed for Title II funding. A current activity description should be provided and the purpose and scope of the IEE indicated (amendment, why needed, what it covers).

2.0 COUNTRY AND ENVIRONMENTAL INFORMATION

This section is critical and should briefly assess the current physical environment that might be affected by the activity. Depending upon the activities proposed, this could include an examination of land use, geology, topography, soil, climate, groundwater resources, surface water resources, terrestrial communities, aquatic communities, environmentally sensitive areas (e.g., wetlands or protected species), agricultural cropping patterns and practices, infrastructure and transport services, air quality, demography (including population trends/projections), cultural resources, and the social and economic characteristics of the target communities.

The information obtained through this process should serve as an environmental baseline for future environmental monitoring and evaluation. Be selective in the country and environmental information you provide, as it should be specific to the activity being proposed and more information is not necessarily better.

Finally, indicate the status and applicability of host country, Mission, and CS policies, programs and procedures in addressing natural resources, the environment, food security, and other related issues.

3.0 EVALUATION OF ACTIVITY/PROGRAM ISSUES WITH RESPECT TO ENVIRONMENTAL IMPACT POTENTIAL

This section of the IEE is intended to define all potential environmental impacts of the activity or project, whether they be considered direct, indirect, beneficial, undesired, short-term, long-term, or cumulative.

4.0 RECOMMENDED MITIGATION ACTIONS (INCLUDING MONITORING AND EVALUATION)

For each proposed activity or major component recommend whether a specific intervention included in the activity should receive a categorical exclusion, negative determination (with or without conditions), positive determination, etc., as well as cite which sections of Reg. 216 support the requested determinations.

Recommend what is to be done to avoid, minimize, eliminate or compensate for environmental impacts. For activities where there are expected environmental consequences, appropriate environmental monitoring and impact indicators should be incorporated in the activity's monitoring and evaluation plan.

5.0 SUMMARY OF FINDINGS

This should summarize the proposed environmental determinations and recommendations.

Annex A.5

TITLE II ENVIRONMENTAL STATUS REPORT FACESHEET

Title of Activity:

CS name/Country/Region:

Funding Period: FY_____ - FY_____

Resource Levels: Commodities (dollar equivalent, incl. monetization): _____
Total metric tonnage request: _____

Status Report Prepared by: Name: _____ Title _____
Date: _____

Date of Previous Status Report: _____

A. Status of the IEE/Categorical Exclusion/EA or PEA

IEE Reference: Date of most recent IEE or Categorical Exclusion (If all activities were CEs): _____

_____ No revisions or modifications needed. IEE/CE or CE and all activities still applicable

_____ Amended IEE submitted, based on attached report, summary, etc., (referencing the body).

_____ EA or PEA needs to be amended to cover additional or modified activities. [Note: If yes, immediately notify the MEO, REO (where one exists) or the BHR BEO. Amended EA or PEA submitted, based on _____]

B. Status of Fulfilling Conditions in the IEE, including Mitigative Measures and Monitoring

_____ Environmental Status Report describing compliance measures taken is attached.

_____ For any condition that cannot be satisfied, a course of remedial action has been provided within an IEE Amendment. [Note: For conditions under an EA or PEA, consult the MEO, REO (where one exists) and/or BEO].

USAID APPROVAL OF ENVIRONMENTAL STATUS REPORT:

Clearance:

Mission Environmental Officer:* _____ Date: _____

Food For Peace Officer: _____ Date: _____

*or USAID Environmental Representative, if MEO does not exist.

ENVIRONMENTAL STATUS REPORT (ESR) **INSTRUCTIONS AND FORMAT**

In 2-10 pages or less, the Environmental Status Report should indicate whether steps need to be taken to amend previous environmental documentation and whether conditions are being met, e.g., mitigation plans are on schedule and the monitoring and evaluation measures being undertaken by the Cooperating Sponsor. In a Mission's PAA comments and/or approval cable to BHR/FFP, the Mission should state whether it concurs with the Environmental Status Report.

Section A. Status of the IEE/Categorical Exclusion/EA or PEA

Use the answers to the following questions to determine if the status of the IEE has changed.

Use the same instructions for a Categorical Exclusion submission in the event all CS activities were Categorical Exclusions.

If any activities are covered under an EA which is typically activity or site-specific or a broader sector, thematic or geographic PEA, the questions below need to be interpreted in the context of the specific activity, sector or area.

A1. Modified or New Activities:

Have new activities been added or activities substantially modified?

Note what these are and reference an amended IEE, if the DAP or PAA has an approved IEE. Reference a Categorical Exclusion Document in the event the DAP or PAA required only a Categorical Exclusion Document **and** the new/modified activities are also categorically excluded. If they are not, a full IEE will need to be prepared.

Note: An amended DAP requires an IEE Amendment. Also remember that activities can be changed or added that do not require an amended DAP, but which do alter Reg. 216 threshold decisions and would require an IEE Amendment.

A2. Resolution of Deferrals:

Did the previous IEE have deferrals? List these.

State if they are being resolved through an amended IEE to be submitted with this year's PAA. If not, indicate when an amended IEE will be submitted in order to be able to go ahead with the activities.

If the deferred activities have been dropped from the Cooperating Sponsor's program, amend the current IEE to state that and recommend to the BEO that the deferral is no longer applicable.

A3. Conditions:

If experience has shown that conditions in the IEE cannot be complied with, note and reference an amended IEE, which discusses what substitute conditions are recommended in order to comply with the spirit of the original conditions (to avoid or reduce environmental effects).

Many conditions in IEEs relate to **Mitigation and Monitoring**. If based on Section B2 below, it proved not feasible to carry out all mitigation and monitoring and the sponsor desires to change the conditions for mitigation and monitoring spelled out in the IEE, discuss and reference an amended IEE.

A4. Amendments:

Based on the above, is an amended IEE needed?

Yes If yes, attach here. No

If the previous documentation was a Categorical Exclusion Submission, is an amended Categorical Exclusion needed to deal with new Categorical Exclusions for new activities?

Yes If yes, attach here. No Not Applicable

Is the Sponsor unable to meet recommendations and/or conditions that are part of an EA or PEA or does the Sponsor believe an EA or PEA needs to be amended to cover additional or modified activities?

Yes No Not Applicable

If yes, immediately notify the MEO, REO (where available) or the BHR BEO.

A5. Remember it is necessary to obtain the Mission's concurrence on an Environmental Status Report prior to proposal approval. Be sure to complete the ESR Facesheet. Proceed to Section B.

Section B. Status of Fulfilling Conditions in the IEE, including Mitigative Measures and Monitoring

Take this opportunity to re-evaluate your mitigation and monitoring plan. Make sure the commitments made in the IEE are doable and realistic, in other words, not beyond the capabilities and resources of the CS to implement. Mitigation and monitoring can be part of normal visits to an area to check on activities, unless specific testing, surveys or the like have been required. Alternatively, experience to date may indicate that the IEE's mitigation and monitoring plan is not sufficiently specific or is lacking in some respect. If conditions or mitigation and monitoring are part of an activity-specific EA or sectoral PEA, the instructions below still apply.

- B1.** For each component of the program, list or reproduce (as an Annex to this report) the mitigative measures and monitoring or other conditions. [For activities placed under an umbrella process according to EDM Annex F, do not reproduce the standard Environmental Screening Form and Review conditions; follow instructions at B3 below.]
- B2.** Describe status of complying with the conditions. Examples of the types of questions a Sponsor should answer to describe "status" follow.
- 1) What mitigative measures have been put in place? How is the successfulness of mitigative measures being determined? If they are not working, why not? What adjustments need to be made?
 - 2) What is being monitored, how frequently and where, and what action is being taken (as needed) based on the results of the monitoring? In some situations, a CS will need to note that the monitoring program is still being developed with intent to satisfy the conditions. Alternatively, it could happen that the conditions cannot be achieved because of various impediments.

Sponsors are encouraged to construct table(s) of relevant status indicators.

For any conditions that cannot be satisfied, propose a course of remedial action and amend the IEE. In the case of an EA or PEA, consult the MEO, REO (where available), and the BHR BEO, as amending an EA or PEA is a more elaborate process.

- B3.** If the CS is using Environmental Screening Forms (ESFs) and environmental reviews, prepare: i) a table listing the ESFs prepared and submitted; (ii) the Category(ies) the activity(ies) was/were placed in; and (iii) whether the ESF has been approved by the MEO. For any Category 2 or above activities, the chart should include the status of the Environmental Reviews, e.g., in preparation; submitted to MEO; approved by MEO; MEO referred to REO and BEO; and the date of approval by MEO or by REO or BEO, if appropriate.

Section C. Cooperating Sponsor Recommendations for Beyond Compliance and Institutionalization of Environmentally Sound Practices

Please outline plans or recommendations (in a page or less) for institutionalizing environmentally sound design and management practices in future activities of a similar nature.

Appendix II: Glossary of terms

Glossary of Terms

Beyond Compliance – A term that refers to the implementation of Title II proposals that have an integrated environmental design, with properly identified environmental impacts, that are adequately mitigated, monitored and evaluated.

CE - Categorical Exclusion - Type of Reg. 216 classification (*determination*) for activities that generally do not affect the environment, such as health, training and education. Only brief environmental documentation is required for CEs, showing how the activity falls within Reg. 216 definitions for categorical exclusions.

Classic IEE - The most common form of environmental documentation submitted to USAID with a DAP or TAP. Classic IEEs are appropriate for single-site or multiple-site activities that are well-defined at the time of submission of the DAP or TAP.

DAP - Development Activity Proposal, a maximum 5-year proposal to USAID/FFP requesting commodities and funds for overseas Title II development projects.

Deferral - A request for a delay in submitting Reg. 216 paperwork. A deferral requires documentation within an IEE, explaining why an activity cannot be defined according to Reg. 216, typically because insufficient information is available at the current time. Deferrals are generally used for large-scale activities and are not recommended. Requesting deferrals also means deferring activity implementation.

Exemption - An activity that is not subject to Reg. 216 due to emergency situations, especially those categorized as international disasters.

Environmental Assessment - A detailed study of the significant effects of a proposed development activity which has the potential to cause major negative environmental impact. EAs must be completed following an IEE with a positive determination. EAs are much more comprehensive than IEEs.

Environmental Working Group- The Environmental Working Group (EWG) is composed of headquarters and related Title II field staff, and USAID environmental and FFP officers. The working group is operated out of Food Aid Management (FAM). The EWG meets on an as needed basis, and is involved in the development of environmental documentation and trainings for Title II cooperating sponsors.

FAM - Food Aid Management - an association of 16 U.S. PVOs and Cooperatives formed to improve the efficiency and effectiveness of overseas food assistance. FAM promotes the sharing of technical and field information among its members and the development of shared PVO guidelines and operating standards.

IEE - Initial Environmental Examination - The environmental documentation required as part of Reg. 216, to determine whether activities in USAID-funded overseas projects will have significant or insignificant adverse environmental impact.

Environmental Status Report (ESR) - A type of environment compliance documentation. The FY2001 Draft DAP/PAA Guidance states that, "All Title II Previously Approved Activities (PAAs) should include an Environmental Status Report detailing the actions they have undertaken with regards to their previously approved Initial Environmental Examination (IEE). This status report should be between 2-10 pages and should indicate if mitigation plans are on schedule and should detail the monitoring and evaluation measures being carried out by the Cooperating Sponsor."

Mitigation - Taking measures to minimize or avoid adverse impacts on the environment. This would include limiting the scope or intensity of an activity, rehabilitating the affected environment, replacing affected resources with others of the same or better quality, etc. (See Section 4.2, *EDM*.)

NGO - Non-governmental organization. (The term NGO is being used more and more frequently to identify national in-country organizations as opposed to international organizations.)

ND - Negative Determination. Activities that have been subject to an IEE and found to have no significant effects on the environment. Negative Determinations are made with and without conditions. Conditions are applied when an activity requires a mitigation and/or a monitoring plan to avoid adverse impacts.

PD - Positive Determination. Activities with significant adverse effects on the environment. PDs do not happen often and normally lead to preparing an Environmental Assessment (EA), which is a significant undertaking. For example, large-scale dam & road construction projects are apt to receive PDs.

PAA - Previously Approved Activity, an annual request for incremental funding of a previously approved program (or DAP).

Programmatic Environmental Assessment - A more extensive type of Environmental Assessment and generally require significant resources. PEAs are

EAs that either involve an environmental investigation of an activity that is implemented by more than one CS in the same country or involve one activity implemented in more than one country and/or involve a range of sub-activities related to one main activity.

PL 480 Title II - Title II provides funding for emergency and development programs carried out in partnership with PVOs, NGOs and the World Food Program (WFP).

PL 480 Title III - Title III provides government-to-government commodity donations to developing countries; Title III is tied to policy reforms.

PVO - Private voluntary organization (The term is commonly used to identify international organizations, as distinguished from NGOs. Examples of PVOs are CARE, Catholic Relief Services, Africare, World Vision, etc.)

Reg. 216 - A U.S. legal document (Title 22, Code of Federal Regulations, Part 216) that outlines environmental procedures established by USAID to identify and avoid or lessen the adverse environmental consequences of overseas development activities funded by USAID.

Subgrant - When a PVO manages a grants program by giving grants/support to other organizations (usually local NGOs) to implement an activity. Cooperating sponsors are still required to comply with Reg. 216 even if the activity is managed by a sub-grantee.

Threshold decision - A decision made by USAID, based on the information presented in an IEE, about whether a proposed activity has a potentially significant or insignificant adverse environmental impact. Positive Determination and Negative Determinations are characterized as threshold decisions.

Umbrella IEE - An umbrella IEE is used for multiple, small-scale activities that are not fully defined at the time of DAP submission, or for programs with subgrants where mitigation or monitoring measures are unknown or cannot be specified at the time of DAP submission.

Appendix III: Regulation 216

